

REPRESENTING EQUITY

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ABSTRACT

Kevin Anthony Roach: Representing Equity
(Under the direction of Frank Baumgartner)

Why do some areas in the US have higher racial disparities than others? While a substantial body of research examines the role of racial or ethnic minority (descriptive) representatives in providing pro-minority public policy (substantive representation), there is little consensus over the aggregate impact of descriptive representation on the outcomes racial minorities experience and the factors determining the size of that impact. In this book, I propose and test different theories which demonstrate the conditional link between descriptive and substantive representation. In Chapter 2, I test a theory of multi-level political incorporation, arguing that descriptive representatives need the right political conditions to provide substantive representation. In Chapter 3, I argue that descriptive representatives need members in leadership positions to gain agenda access to provide substantive representation. In both these chapters, I examine a new dataset of over 7,000 representatives in state and local level legislatures and examine disparities in poverty rates and residential segregation. I find strong evidence to support my theory of multi-level political incorporation and mixed evidence in support of my leadership theory. In Chapter 4, I examine the role of the race and gender of representatives intersectionally. I argue that the Black male and Black female representatives will differ because of the stereotypes surrounding them. I test this theory using a new dataset covering 500 District

Attorneys and find compelling evidence that Black male and Black female representatives lead to different levels of racial disparities in criminal justice outcomes.

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TABLE OF CONTENTS

List of Tables	x
List of Figures	xii
CHAPTER 1: INTRODUCTION	1
CHAPTER 2: MULTI-LEVEL POLITICAL INCORPORATION	6
Introduction	6
Literature Review	8
Studies of descriptive representation	8
Multi-level governance and local representation.....	13
Legacies of Disparities	16
Towards a Theory of Multi-level Descriptive Representation.....	18
Data	20
Dependent Variables.....	20
Poverty Disparities	21
Measuring Poverty Disparities	23
Residential Segregation	25
Measuring Segregation	28

Independent Variables	33
Controls	39
Methods	43
Results	43
Segregation Model Results	46
Poverty Model Results.....	51
Conclusion.....	55
CHAPTER 3: DESCRIPTIVE REPRESENTATION AND AGENDA CONTROL	58
Introduction	58
Literature Review	60
Party Leadership	61
Committee Chairs	64
Local Government and Agenda control.....	65
Descriptive Representation in Positions of Institutional Power	66
Theory	68
Methodology	70
Legislative Agenda Control	72
Other Variables.....	76
Results	77

Conclusion.....	82
CHAPTER 4: DESCRIPTIVE REPRESENTATION AMONG DISTRICT ATTORNEYS	85
Introduction	85
Literature Review	88
Disparities in the Criminal Justice System	88
The Far-Reaching Consequences of the Mass Incarceration System	91
Mass Incarceration and Gender	93
Descriptive Representation and Incarceration	95
District Attorneys	97
District Attorneys and Elections	99
The Powers of the District Attorney	102
Charging Powers	103
Plea Bargaining	103
Discretion and Disparities	105
Descriptive Representation among District Attorneys	107
Substantive Representation among Descriptive District Attorneys	109
Race, Gender, and Stereotyping	113
Intersectionality and Stereotyping	114
Theory	115

North Carolina Case Study.....	117
Incarceration Data.....	117
District Attorneys	120
Results	124
Cross-Sectional Analysis of Incarceration disparities.....	125
Independent Variable: Descriptive Representation	127
Controls	128
Results	131
CHAPTER 5: CONCLUSION	136
APPENDIX A: MODIFIED RATE RATIO.....	140
APPENDIX B: DATA LOSS	145
APPENDIX C: ALTERNATE POPULATION THRESHOLDS	147
WORKS CITED	149

LIST OF TABLES

Table 2-1: Example Rate Ratios	24
Table 2-2: Descriptive Statistics for Poverty Rates	24
Table 2-3: Descriptive Statistics for Exposure Scores.....	31
Table 2-4: Representative Race Across City and State Governments	35
Table 2-5: Descriptive Statistics for Black Representation	35
Table 2-6: Descriptive Statistics for Incorporation.....	39
Table 2-7: Descriptive Statistics for Incorporation and Controls	41
Table 2-8: Different models predicting disparities	45
Table 3-1: Incorporation of Cities from Universe of Cases.....	72
Table 3-2: Descriptive Statistics for Representation Variables	76
Table 3-3: Descriptive Statistics for Relevant Variables	77
Table 3-4: HLM predicting disparities	78
Table 4-1: NC Felonies codes.....	119
Table 4-2: Black District Attorneys in North Carolina.....	121
Table 4-3: Descriptive Statistics for Incarceration Rates	127
Table 4-4: Descriptive Statistics for Race/Gender.....	128
Table 4-5: Descriptive Statistics for Controls.....	128
Table 4-6: Model Predicting 2016 Incarceration Disparities.....	133
Table 5-1: Example Rate Ratios	141
Table 5-2: Descriptive Statistics for Poverty Rates	141
Table 5-3: Descriptive Statistics for Incorporation and Controls	146

Table 5-4: Different models predicting poverty rate disparities	148
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LIST OF FIGURES

Figure 2-1: Frequency Distribution of Poverty Rate Ratio.....	25
Figure 2-2: Example City.....	30
Figure 2-3: Black-White Exposure / White Population Scatter Plot	32
Figure 2-4: Black-Black Exposure / Black Population Scatter Plot	32
Figure 2-5: Frequency Distribution For Black Council Percent	36
Figure 2-6: Predicted Black-White Exposure Score.....	47
Figure 2-7: Predicted Black-White Exposure Score	48
Figure 2-8: Marginal Effect of Incorporation at State Level on Segregation	49
Figure 2-9: Marginal Effect of Incorporation at City Level on Segregation	50
Figure 2-10: Predicted Poverty Disparities	52
Figure 2-11: Average Marginal Effect of City Incorporation on Poverty Disparities	53
Figure 3-1: Predicted BW Exposure Score	80
Figure 3-2: Marginal Effect of Local Level Representation on BW Exposure Score	81
Figure 4-1: Map of NC Prosecutorial Districts.....	98
Figure 4-2: Map of NC Counties	99
Figure 4-3: Black District Attorneys in 2020	108
Figure 4-4: Average conviction rate over time	120
Figure 4-5: North Carolina prosecutorial districts	121
Figure 4-6: A-F Conviction rates when DA race/gender changes	123
Figure 4-7: G-I Conviction rates when DA race/gender changes	124
Figure 5-1: Frequency Distribution of Modified Poverty Rate Ratio.....	142

Figure 5-2: Frequency Distribution of Modified Legacy Poverty Rate Ratio	142
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CHAPTER 1 : INTRODUCTION

Throughout the 1960's a series of riots in many of America's largest cities captured the nation's attention. Caused primarily by the increasing frustration of Black communities at unequal treatment and racial disparities, these riots killed 43 in Detroit, Michigan, 23 in Newark, New Jersey, and claimed victims in no fewer than 23 other American cities. President Lyndon Banes Johnson called for a commission to be headed by Otto Kerner, the governor of Illinois, to answer three questions: "What happened? Why did it happen? What can be done to prevent it from happening again and again?". What would be called the Kerner Commission released a report in 1968, which concluded that America was moving "toward two societies, one black, one white - separate and unequal" and warned that the country could develop a system of "apartheid" without concerted efforts to change course.

The Kerner Commission failed to bring about the substantial changes it called for, President Johnson largely ignored the report's findings. However, the Kerner Commission had accomplished something. For many White Americans it shined a light on the treatment of Blacks in America. The report had correctly identified that the experiences of America's Whites and Blacks are systematically different and systematically unequal. And 50 years later, this is unfortunately still true. Since America's inception, with the advent of chattel slavery, through the Jim Crow era's *de facto* segregation, to the modern period's *de jure* systems of racial

inequality best described by Michael Alexander¹ as “The New Jim Crow”, Black Americans have faced a systemic oppression. From education to the economy, the criminal justice system, housing, healthcare and other life spheres, Black Americans on average experience worse outcomes than White Americans.²

Importantly, while systems of oppression have been ever present throughout American history and the present, they have often been met with fierce opposition from the oppressed. There have been few advocates as important to the push towards racial equality as Black Americans themselves. Both within the halls of government, and through sustained collective action, Black Americans have distinguished themselves in the fight for equal treatment. The very first Black man to serve in Congress, Joseph Hayne Rainey in 1870, would make a name for himself for his fiery speeches on the floor. During the debate of the Civil Rights Act of 1875, he would argue both in favor of the bill and for more equal treatment saying,

“We do not ask the passage of any law forcing us upon anybody who does not want to receive us. But we do want a law enacted that we may be recognized like other men in the country... I say to you gentlemen, that this discrimination against the Negro race in this country is unjust, is unworthy of a high-minded people whose example should have a salutary influence in the world.”³

And speaking against the inequality with the chamber itself,

¹ *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2020).

² Alexander.

³ United States Congress, *Congressional Record: Proceedings and Debates of the ... Congress* (U.S. Government Printing Office, 1874).

“Why is it that colored members of Congress cannot enjoy the same immunities that are accorded to white members? Why cannot we stop at hotels here without meeting objection? Why cannot we go into restaurants without being insulted? We are here enacting laws for the country and casting votes upon important questions; we have been sent here by the suffrages of the people, and why cannot we enjoy the same benefits that are accorded to our white colleagues on this floor?”⁴

While he would lose his re-election bid in 1878, due in no small part to the mounting voter intimidation and suppression he warned of,⁵ Congressman Rainey would not be the last Black Congressman who would seek racial equality. From 1870 to 2020, 183 different Black members would sit in Congress (153 in the House, 9 in the Senate, and 1 member in both).⁶ Some of these individuals would be remembered as instrumental to the progress America has made in racial equality, such as John Lewis from Georgia, or Jesse Jackson, Jr. from Illinois. Black Congresspeople would in many ways formalize their collective push towards equality by forming the Black Congressional Caucus in 1971 declaring "We have no permanent friends, no permanent enemies—just permanent interests."

Black Americans seeking to bring about racial equality would not only serve in Congress. North Carolina Senator Floyd McKissick sponsored the Racial Justice Act, a groundbreaking attempt to undermine racial disparities in his state's death penalty system. Ernie Chambers of

⁴ Congress.

⁵ “RAINEY, Joseph Hayne | US House of Representatives: History, Art & Archives,” History, Art, and Archives: US House of Representatives, accessed June 10, 2021, [https://history.house.gov/People/Listing/R/RAINEY,-Joseph-Hayne-\(R000016\)/](https://history.house.gov/People/Listing/R/RAINEY,-Joseph-Hayne-(R000016)/).

⁶ “African American Members of the U.S. Congress: 1870-2020,” Congressional Research Service, accessed June 10, 2021, <https://www.everycrsreport.com/reports/RL30378.html>.

the Nebraska State Legislature led the charge to divest from the South African apartheid government, and a variety of other anti-discrimination bills. In local governments, Kurt Schmoke, the first Black mayor of Baltimore, Maryland, elected in 1987, fought for drug decriminalization in part because of the adverse effect the War on Drugs has had on Black communities. Jillian Johnson, a City Councilor in Durham, North Carolina has, among other issues, tried to fight against hair discrimination. Satana Deberry, the current District Attorney for Durham, North Carolina, has pledged to address the systemic inequalities present in the criminal justice system. These are a few examples of the substantial efforts made by those within government to address the racial problems that confront America.

These examples bring me to the central questions of this book. *What role do Black representatives play in reducing the lived inequalities in America? Under what conditions should we expect Black representatives to successfully bring about more equal outcomes?*

In Chapter 2, I explore the role of majoritarian institutions in moderating the impact of Black representation on more equal policy outcomes in a multi-level governing context. Building on previous studies, I propose a new definition for political incorporation,⁷ the conditions under which Black representatives should be able to pass policies, to account for multi-level governing constraints. I further expand on previous works by directly measuring Black representation at both the state and local level simultaneously. I explore a new dataset of over 7,000 state and local legislators, examining disparities in poverty rates and residential

⁷ Rufus P. Browning, Dale Rogers Marshall, and David H. Tabb, “Protest Is Not Enough: A Theory of Political Incorporation,” *PS* 19, no. 3 (1986): 576–576.

segregation. I find compelling evidence that Black representatives do reduce racial disparities, but only under the correct political context.

In Chapter 3, I build on the findings in chapter 2 and examine the role of agenda access. I argue that, along with political incorporation to ensure they win votes, Black representatives need agenda control to ensure their priorities make it to votes. In line with those before me I examine positions of institutional agenda power, namely the heads of legislatures, to measure the ability for Black representatives to have agenda access. I test my theory by examining heads of local legislatures, expecting that more Black representatives in cities which are politically incorporated and have Black leaders will lead to lower racial disparities. I find mixed support for the role of Black in leadership positions enhancing the power of more Black rank-and-file members.

In Chapter 4, I examine the role of the race and gender of representatives intersectionally. To do so, I shift my focus away from state and local legislatures to District Attorneys, and from poverty and segregation to incarceration. I argue that Black male and Black female representatives will provide act differently because of the stereotypes associated with their unique identities, and how these interact with elections. Because Black women tend to be associated with more negative stereotypes, particularly those regarding advocacy, they will not be afforded the same privilege as Black men, who can adopt pro policing stances credibly. Testing a dataset of over 500 District Attorneys, I find that Black female representatives are associated with much lower disparities than their Black male peers.

CHAPTER 2 : MULTI-LEVEL POLITICAL INCORPORATION

Introduction

The 1968 Kerner Commission released a report which concluded that America was moving "toward two societies, one black, one white - separate and unequal" and warned that the country could develop a system of "apartheid" if action was not taken to reduce racial disparities. While America has made progress in dismantling overtly racist institutions, such as the Jim Crow laws, the realities of racial disparities in areas as diverse as policing, housing, and healthcare, are front and center in American political discourse. There have been many steps taken at the state and federal level to address these issues, but interestingly some local governments have also taken up the charge of the Kerner Commission's call to action. Seattle has spent considerable resources attempting to reduce educational disparities (Morton 2018). Minneapolis has approved a plan to eliminate racial disparities in various measures by 2040 (Minneapolis|2040, 2019), Cincinnati and Fort Worth have commissioned studies to investigate the impact of racial disparities on their minority communities.⁸ The National League of Cities has a template initiative available for local governments to follow in order to reduce the racial disparities in their cities (National League of Cities 2020). But what makes some cities decide to

⁸ Cameron Knight, "Majority of Cincinnati City Council Wants Study to Find If City Policies Are Racist," *Cincinnati.Com*, January 2018, <https://www.cincinnati.com/story/news/politics/2018/01/16/majority-cincinnati-city-council-wants-study-find-if-city-policies-racist/1036255001/>; Luke Ranker, "Is Fort Worth Dealing with Racial Inequality When It Comes to Arrests and the Courts? Read More Here: <https://www.star-telegram.com/News/Local/Fort-Worth/Article228497854.Html#storylink=cpy>," *Fort Worth Star-Telegram*, March 2019, Is Fort Worth dealing with racial inequality when it comes to arrests and the courts? Read more here: <https://www.star-telegram.com/news/local/fort-worth/article228497854.html#storylink=cpy>.

take action, and what determines the level of effort cities are willing to put into the undertaking? One explanation could be the representatives within these governments: each of the cities above has at least one Black representative, more than the modal US city. It could be the case that having Blacks on their city council leads that city to be more likely to address racial issues. Since the Kerner Commission, we have seen substantial racial and ethnic diversification in representative bodies across the US, but does this increased representation influence the policies promoted by these bodies and, therefore, the racial disparities we see in society?

In this chapter, I argue that increased Black representation, under the correct political conditions, leads to lower disparities in outcomes between Whites and Blacks. When legislatures include large numbers of racial minorities, and those members are incorporated into the partisan majority, this leads to lower aggregate disparities. However, I argue that the political incorporation of racial minorities necessarily needs to examine state and local politics at the same time. Racial minorities in local governments are only fully incorporated when they are in the local majority, and the state government is not held by political rivals who can disrupt their plans. I also argue that it is essential to account for legacies of racial disparities that descriptive representatives inherit from the past. A minority representative cannot control the disparities that came before them, and therefore we need to measure how much those representatives *lower* the disparities in their cities. I analyze a new dataset of local representatives from the 500 largest cities in the US, encompassing over 7,000 representatives, and the composition of state legislatures across the US. Using a hierarchical linear model, I demonstrate that descriptive representation, when combined with political incorporation, leads to lower disparities while

controlling for many common alternate explanations, such as Black population size and partisanship.

Literature Review

Studies of descriptive representation

Many scholars have examined the role of descriptive representation, defined as the representation of groups by individuals who share that group identity (Pitkin 1967), in providing positive public policy decisions, or substantive representation, for historically underrepresented groups (generally racial or ethnic minorities, and women). Scholars generally agree that descriptive representatives do behave in ways that are beneficial to the provision of substantive representation.⁹ Leveraging their unique personal experiences and connections to minority communities,¹⁰ minority representatives make minority issues a central concern,¹¹ receive information about minority preferences differently,¹² vote in favor of minority preferences,¹³ and

⁹ Eric Gonzalez Juenke and Robert R. Preuhs, “Irreplaceable Legislators? Rethinking Minority Representatives in the New Century,” *American Journal of Political Science* 56, no. 3 (2012): 705–15, <https://doi.org/10.1111/j.1540-5907.2012.00584.x>; Katherine Tate, *Black Faces in the Mirror: African Americans and Their Representatives in the U.S. Congress* (Princeton University Press, 2018).

¹⁰ Jane Mansbridge, “Should Blacks Represent Blacks and Women Represent Women? A Contingent ‘Yes,’” *The Journal of Politics* 61, no. 3 (1999): 628–57, <https://doi.org/10.2307/2647821>.

¹¹ Andy Baker and Corey Cook, “Representing Black Interests and Promoting Black Culture: The Importance of African American Descriptive Representation in the U.S. House,” *Du Bois Review: Social Science Research on Race* 2, no. 2 (2005): 227–46, <https://doi.org/10.1017/S1742058X05050162>; William Curtis Ellis and Walter Clark Wilson, “Minority Chairs and Congressional Attention to Minority Issues: The Effect of Descriptive Representation in Positions of Institutional Power,” *Social Science Quarterly* 94, no. 5 (2013): 1207–21, <https://doi.org/10.1111/ssqu.12023>; Katrina L. Gamble, “Black Political Representation: An Examination of Legislative Activity Within U.S. House Committees,” *Legislative Studies Quarterly* 32, no. 3 (2007): 421–47, <https://doi.org/10.3162/036298007781699663>.

¹² Robert R. Preuhs and Rodney E. Hero, “A Different Kind of Representation: Black and Latino Descriptive Representation and the Role of Ideological Cuing,” *Political Research Quarterly* 64, no. 1 (2011): 157–71, <https://doi.org/10.1177/1065912909346739>.

¹³ Baker and Cook, “Representing Black Interests and Promoting Black Culture: The Importance of African American Descriptive Representation in the U.S. House”; Brinck Kerr and Will Miller, “Latino Representation, It’s

allocate resources to minority needs.¹⁴ This literature provides the mechanism by which descriptive representation affects substantive representation: minority representatives have an experiential relationship to their identity that non-group members cannot match, and this leads them to seek to represent their group substantively.

While scholars have demonstrated that minority representatives behave in ways that are beneficial to the provision of substantive representation, there is no consensus on the aggregate effect of such representation on the policy decisions a legislative body makes and the outcomes racial minorities experience. Some researchers have argued that more descriptive representation leads to more substantive representation, as these representatives are able to effectively band together to change legislative outcomes.¹⁵ Others, however, have argued that descriptive representation may not be necessary for substantive representation, or may even negatively impact the provision of it.

These arguments generally follow three strands. First, the partisanship argument contends that descriptive representation does not add any value beyond what electing Democrats

Direct and Indirect,” *American Journal of Political Science* 41, no. 3 (1997): 1066–71, <https://doi.org/10.2307/2111688>; Neil Pinney and George Serra, “The Congressional Black Caucus and Vote Cohesion: Placing the Caucus within House Voting Patterns,” *Political Research Quarterly* 52, no. 3 (1999): 583–608, <https://doi.org/10.1177/106591299905200306>; Susan Welch and John R. Hibbing, “Hispanic Representation in the U.S. Congress,” *Social Science Quarterly* 65, no. 2 (1984): 328–35.

¹⁴ Christian R. Grose, *Congress in Black and White: Race and Representation in Washington and at Home*, Book, Whole (New York: Cambridge University Press, 2011), <https://doi.org/10.1017/CBO9780511976827>.

¹⁵ Robert A. Holmes, “The Georgia Legislative Black Caucus: An Analysis of a Racial Legislative Subgroup,” *Journal of Black Studies* 30, no. 6 (2000): 768–90, <https://doi.org/10.1177/002193470003000604>; Karin L. Stanford and Charles E. Jones, “Black Gold: African American Legislators in California, 1970–2008,” *The Journal of Race and Policy* 5, no. 1 (2009): 7–34; Byron D’Andra Orey, “Black Legislative Politics in Mississippi,” *Journal of Black Studies* 30, no. 6 (2000): 791; Brenda Sullivan, “Even at the Turning of the Tide: An Analysis of the North Carolina Legislative Black Caucus,” *Journal of Black Studies* 30, no. 6 (2000): 815–38, <https://doi.org/10.1177/002193470003000606>; Sharon D. Wright, “The Tennessee Black Caucus of State Legislators,” *Journal of Black Studies* 31, no. 1 (2000): 3–19.

(of any race) would accomplish.¹⁶ To further complicate this, there may be costs associated with attempting to achieve descriptive representation, particularly at higher levels of government. Given the high correlation between minority population size and the electability of minority candidates,¹⁷ one primary method of enhancing descriptive representation is the creation of majority-minority districts. However, this helps Republicans get elected in other districts (as it packs Democrats into the majority-minority districts), hampering the ability for the whole body to pass pro-minority policies.¹⁸ The second counterargument revolves around racial backlash. The argument holds that increasing the minority population in a government body leads the White members in that body to become more hostile to racial minorities and their needs, canceling any positive effect of the minority representatives.¹⁹ The final counterargument suggests that it is really large Black population shares (and therefore large Black electorates) that

¹⁶ Carol M. Swain, “Black Faces, Black Interests: The Representation of African Americans in Congress,” in *Harvard University Press, 1995. Xi+296 Pp*, 1995, xi+296-xi+296.

¹⁷ Melissa J. Marschall, Anirudh V. S. Ruhil, and Paru R. Shah, “The New Racial Calculus: Electoral Institutions and Black Representation in Local Legislatures,” *American Journal of Political Science* 54, no. 1 (2010): 107–24; Melissa J. Marschall and Ruhil, “The Pomp of Power: Black Mayoralties in Urban America,” *Social Science Quarterly* 87, no. 4 (2006): 828–50, <https://doi.org/10.1111/j.1540-6237.2006.00438.x>.

¹⁸ Kimball Brace, Bernard Grofman, and Lisa Handley, “Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?,” *The Journal of Politics* 49, no. 1 (1987): 169–85, <https://doi.org/10.2307/2131139>; Charles Cameron, David Epstein, and Sharyn O’Halloran, “Do Majority-Minority Districts Maximize Substantive Black Representation in Congress?,” *The American Political Science Review* 90, no. 4 (1996): 794–812, <https://doi.org/10.2307/2945843>; David Epstein and Sharyn O’Halloran, “Measuring the Electoral and Policy Impact of Majority-Minority Voting Districts,” *American Journal of Political Science* 43, no. 2 (1999): 367–95, <https://doi.org/10.2307/2991799>; David Lublin and D. Stephen Voss, “Racial Redistricting and Realignment in Southern State Legislatures,” *American Journal of Political Science* 44, no. 4 (2000): 792–810, <https://doi.org/10.2307/2669282>; L. Marvin Overby and Kenneth M. Cosgrove, “Unintended Consequences? Racial Redistricting and the Representation of Minority Interests,” *The Journal of Politics* 58, no. 2 (1996): 540–50, <https://doi.org/10.2307/2960239>; Swain, “Black Faces, Black Interests: The Representation of African Americans in Congress.”

¹⁹ Donald P. Haider-Markel, “Representation and Backlash: The Positive and Negative Influence of Descriptive Representation,” *Legislative Studies Quarterly* 32, no. 1 (2007): 107–33, <https://doi.org/10.3162/036298007X202001>; Mary Hawkesworth, “Congressional Enactments of Race-Gender: Toward a Theory of Raced-Gendered Institutions,” *American Political Science Review* 97, no. 4 (2003): 529–50.

lead to substantive representation; these voters pressure their representatives into meeting their needs, regardless of the representative's race.²⁰ This is particularly problematic, as Black population size is normally highly correlated with descriptive representation, making it hard to disentangle these competing theories.

These theories argue that more descriptive representation may lead to less observed substantive representation, or have no effect - by making the legislature more Republican due to the creation of majority-minority districts, engendering racial backlash, or simply because of the correlation between descriptive representation and another variable of interest. I will account for these alternative explanations when building my theory and models. More importantly, I will address the theoretical puzzle created by the existence of multiple competing explanations by focusing on the specific conditions that affect how descriptive representation is translated into substantive outcomes for minority communities.

What might moderate the link between descriptive and substantive representation? Researchers generally acknowledge the importance of political context: descriptive representation may only lead to substantive representation under the right political conditions. One primary condition for successfully translating minority representation to pro-minority policy is political incorporation.²¹ Since it is tough for racial minorities to make up the (legislative)

²⁰ David T. Canon and Richard A. Posner, *Race, Redistricting, and Representation: The Unintended Consequences of Black Majority Districts* (University of Chicago Press, 1999); Bernard L. Fraga, "Candidates or Districts? Reevaluating the Role of Race in Voter Turnout," *American Journal of Political Science* 60, no. 1 (2016): 97–122; Christine Leveaux-Sharpe, "Congressional Responsiveness to Redistricting Induced Constituency Change: An Extension to the 1990s," *Legislative Studies Quarterly* 26, no. 2 (2001): 275–86, <https://doi.org/10.2307/440204>; Swain, "Black Faces, Black Interests: The Representation of African Americans in Congress."

²¹ Browning, Marshall, and Tabb, "Protest Is Not Enough: A Theory of Political Incorporation."

majority on their own, they require White allies in order to see a majoritarian body take the actions they seek.²² Incorporation measures the ability of minority representatives to find these allies. Once minority representatives have been incorporated, an increase in minority representation should lead to substantive representation.²³ The division of racial allies is seen as falling neatly along partisan lines, so most scholars measure incorporation using partisan control: if the Democratic party is in control, racial minorities are considered to be in the majority coalition and therefore incorporated.²⁴ However, the use of partisan data has been severely limiting to studies of descriptive representation at the local level, where the vast majority of legislatures are officially nonpartisan. Studies have either had to focus on a small subset of cities and collect comprehensive data on all members of the local councils²⁵ or focus on the state/federal level. This chapter will provide a new method by which to evaluate the political incorporation of minorities in city councils using voting data.

Overall, existing studies of descriptive representation have led to widely divergent interpretations of the degree to which electing racial minorities to positions of power leads to governments responding to minority needs. An approach specifying conditions under which descriptive representation will lead to substantive representation, such as political incorporation,

²² Vincent L. Hutchings, Harwood K. McClerking, and Guy-Uriel Charles, "Congressional Representation of Black Interests: Recognizing the Importance of Stability," *The Journal of Politics* 66, no. 2 (2004): 450–68.

²³ Browning, Marshall, and Tabb, "Protest Is Not Enough: A Theory of Political Incorporation."

²⁴ Cameron, Epstein, and O'Halloran, "Do Majority-Minority Districts Maximize Substantive Black Representation in Congress?"; Swain, "Black Faces, Black Interests: The Representation of African Americans in Congress."

²⁵ Browning, Marshall, and Tabb, "Protest Is Not Enough: A Theory of Political Incorporation."

helps to resolve this problem. I aim to further increase the predictive power of these theories by expanding political incorporation theory to include what we know about multi-level governance.

Multi-level governance and local representation

When examining the role of multi-level governing in the impact of descriptive representation, it is essential first to understand what we know about descriptive representation at different levels of government. A large body of research at the federal level looks at the impact that race has had in Congress.²⁶ However, others have noted the limitations of Congressional studies. First, while the level of minority representation in Congress has increased over time, it may not vary enough to capture an effect.²⁷ Second, strong partisan institutions and increasing polarization may decrease the observed differences between White and Black lawmakers, particularly in some widely used measures such as roll-call votes.²⁸ These limitations have led many to investigate state legislatures,²⁹ which provide both an increased number of cases and

²⁶ Baker and Cook, “Representing Black Interests and Promoting Black Culture: The Importance of African American Descriptive Representation in the U.S. House”; Epstein and O’Halloran, “Measuring the Electoral and Policy Impact of Majority-Minority Voting Districts”; Hutchings, McClerking, and Charles, “Congressional Representation of Black Interests: Recognizing the Importance of Stability”; Kerr and Miller, “Latino Representation, It’s Direct and Indirect”; Preuhs and Hero, “A Different Kind of Representation: Black and Latino Descriptive Representation and the Role of Ideological Cuing”; Welch and Hibbing, “Hispanic Representation in the U.S. Congress”; Kenny J. Whitby and George A. Krause, “Race, Issue Heterogeneity and Public Policy: The Republican Revolution in the 104th US Congress and the Representation of African-American Policy Interests,” *British Journal of Political Science* 31, no. 3 (2001): 555–72.

²⁷ Robert R. Preuhs, “The Conditional Effects of Minority Descriptive Representation: Black Legislators and Policy Influence in the American States,” *The Journal of Politics* 68, no. 3 (2006): 585–99.

²⁸ Grose, *Congress in Black and White: Race and Representation in Washington and at Home*.

²⁹ Kathleen A. Bratton and Kerry L. Haynie, “Agenda Setting and Legislative Success in State Legislatures: The Effects of Gender and Race,” *The Journal of Politics* 61, no. 3 (1999): 658–79, <https://doi.org/10.2307/2647822>; Kathleen A. Bratton, “The Behavior and Success of Latino Legislators: Evidence from the States,” *Social Science Quarterly* 87, no. 5 (2006): 1136–57, <https://doi.org/10.1111/j.1540-6237.2006.00420.x>; Christopher J. Clark, *Gaining Voice: The Causes and Consequences of Black Representation in the American States* (Oxford University Press, 2019); Christopher J. Clark, “Collective Descriptive Representation and Black Voter Mobilization in 2008,” *Political Behavior* 36, no. 2 (2014): 315–33, <https://doi.org/10.1007/s11109-013-9237-1>; Preuhs, “The Conditional Effects of Minority Descriptive Representation: Black Legislators and Policy Influence in the American States”;

increased variance in descriptive representation levels. There has also been an extensive investigation of different local offices, from city councils,³⁰ to mayors,³¹ to school boards,³² showing general support for a link between descriptive and substantive representation.

In this chapter, I focus on state and local representation. Whereas state governments receive a lot of scholarly attention, I also choose to include local representation, arguing that cities are a useful venue for examining the role of descriptive representation in policy formation. First, there is a large number of cities providing more potential cases, and the racial minority seat share on city councils has far more variance than that at the state or federal level. While Black representation in state legislatures varies between 0 and 30 percent, Black representation on city councils varies from completely White to entirely Black councils. Seeing councils with large minority shares can be doubly important, as it may be that descriptive representation requires a certain threshold of representation for their voting power to outweigh adverse effects such as

Kenny J. Whitby, "The Effect of Black Descriptive Representation on Black Electoral Turnout in the 2004 Elections," *Social Science Quarterly* 88, no. 4 (2007): 1010–23, <https://doi.org/10.1111/j.1540-6237.2007.00515.x>.

³⁰ Joshua G. Behr, "Black and Female Municipal Employment: A Substantive Benefit of Minority Political Incorporation?," *Journal of Urban Affairs* 22, no. 3 (2000): 243–64, <https://doi.org/10.1111/0735-2166.00055>; Browning, Marshall, and Tabb, "Protest Is Not Enough: A Theory of Political Incorporation"; Susan A. Macmanus, "City Council Election Procedures and Minority Representation: Are They Related?," *Social Science Quarterly* 59, no. 1 (1978): 153.

³¹ Behr, "Black and Female Municipal Employment: A Substantive Benefit of Minority Political Incorporation?"; Brinck Kerr et al., "When Does Politics Matter? A Reexamination of the Determinants of African-American and Latino Municipal Employment Patterns," *Urban Affairs Review* 49, no. 6 (2013): 888–912, <https://doi.org/10.1177/1078087412473433>; John V. C. Nye, Ilia Rainer, and Thomas Stratmann, "Do Black Mayors Improve Black Relative to White Employment Outcomes? Evidence from Large US Cities," *Journal of Law, Economics, and Organization* 31, no. 2 (2015): 383–430, <https://doi.org/10.1093/jleo/ewu008>.

³² Kenneth J. Meier et al., "Structural Choices and Representational Biases: The Post-Election Color of Representation," *American Journal of Political Science* 49, no. 4 (2005): 758–68, <https://doi.org/10.1111/j.1540-5907.2005.00153.x>; David L. Leal, Valerie Martinez-Ebers, and Kenneth J. Meier, "The Politics of Latino Education: The Biases of At-Large Elections," *The Journal of Politics* 66, no. 4 (2004): 1224–44, <https://doi.org/10.1111/j.0022-3816.2004.00297.x>.

White backlash. Second, large overtly-partisan legislatures may diminish the impact of descriptive representatives by focusing on representatives' partisanship rather than their race.³³ It may be that descriptive representatives are more distinct in officially nonpartisan bodies. A major limitation of local-level studies is the lack of concrete partisanship data, as most cities in the US are officially nonpartisan. The lack of partisanship data is important because of how valuable partisanship is in determining minority incorporation. To account for this, I will propose a new method for estimating political incorporation in officially nonpartisan bodies, allowing for a much more intensive test of political incorporation and descriptive representation.

However, when considering the role of minority representation in affecting the policy outcomes racial minorities face, examining one level of government at a time may not be sufficient.³⁴ American policymaking is a highly fragmented process across multiple "territorial legislative bodies".³⁵ Any particular outcome that a person may experience is the joint result of multiple bodies' policy decisions.³⁶ Because multiple bodies determine a policy outcome at once, we should expect that descriptive representation at any or all levels should impact how

³³ Meier et al., "Structural Choices and Representational Biases: The Post-Election Color of Representation."

³⁴ Nancy Burns and Gerald Gamm, "Creatures of the State: State Politics and Local Government, 1871-1921," *Urban Affairs Review* 33, no. 1 (1997): 59-96, <https://doi.org/10.1177/107808749703300103>; Nancy Burns et al., "Urban Politics in the State Arena," *Studies in American Political Development* 23, no. 1 (2009): 1-22, <https://doi.org/10.1017/S0898588X09000017>.

³⁵ Ann Markusen, "American Federalism and Regional Policy," *International Regional Science Review* 16, no. 1-2 (April 1993): 3-15, <https://doi.org/10.1177/016001769401600102>.

³⁶ Robert Agranoff and Michael McGuire, "American Federalism and the Search for Models of Management," *Public Administration Review* 61, no. 6 (2001): 671-81; Timothy J. Bartik, *Who Benefits from State and Local Economic Development Policies?*, Book, Whole (W.E. Upjohn Institute for Employment Research, 1991); David Berman, *Local Government and the States: Autonomy, Politics and Policy: Autonomy, Politics and Policy*, Book, Whole (Armonk: Routledge, 2003), <https://doi.org/10.4324/9781315702773>; Markusen, "American Federalism and Regional Policy."

much substantive representation is provided. To account for this potential discrepancy, this chapter will examine descriptive representation at all three major levels of government and the produced interactive effects on policy outcomes.

Furthermore, this chapter will contribute to the incorporation literature by expanding our understanding of political incorporation to include multi-level decision making. While each different legislative body may have its own independent impact, it is still the case that these bodies are ordered in a hierarchy, and the organizations at the top of the hierarchy may be able to modify how representatives below them act.³⁷ Theoretically, incorporation is supposed to measure when minority representatives can turn their priorities into reality, but that can depend on bodies that exist above their legislature. I will contend that racial minorities are only fully incorporated when the context is right at both the local and state level.

Legacies of Disparities

When examining the role of representation in policy formation, it is necessary to also consider what we know about how representatives make policy. One of the hallmarks of policy formation is a strong bias towards the status quo.³⁸ When considering a new policy, policymakers do not start from a clean slate; rather, they use the status quo as the baseline and

³⁷ Terence J. Centner and Davis Clarke Heric, “Anti-Community State Pesticide Preemption Laws Prevent Local Governments from Protecting People from Harm,” *International Journal of Agricultural Sustainability* 17, no. 2 (2019): 118–26, <https://doi.org/10.1080/14735903.2019.1568814>; Jennifer L. Pomeranz and Mark Pertschuk, “State Preemption: A Significant and Quiet Threat to Public Health in the United States,” *American Journal of Public Health* 107, no. 6 (2017): 900–902, <https://doi.org/10.2105/AJPH.2017.303756>.

³⁸ Richard J. Zeckhauser and William Samuelson, “Status Quo Bias in Decision Making,” *Journal of Risk and Uncertainty* 1, no. 1 (1988): 7–59.

make small gradual adjustments to it.³⁹ This means that when trying to understand the impact of descriptive representation, it is important to consider what the outcome was before descriptive representation had a chance to affect it, which I refer to as the legacy. If a descriptive representative inherits a bad situation and improves it, this should be considered substantive representation and accounted for in our modeling.

There are reasons to believe that bringing policy "legacies" into our theories and models of descriptive representation is important, because failing to do so may systematically lead to underestimating the impact of descriptive representation. We know that anti-Black discriminatory policies have a unique history in the South, and scholars have found a link between Black population size and racially discriminatory policies.⁴⁰ We also know that there is a strong link between Black population size and descriptive representation, and that there is more Black representation in the South than in the North.⁴¹ Thus, we should expect that having a large Black population is likely to lead to both a worse policy legacy and higher levels of descriptive representation. If we only examine contemporaneous policy outcomes, this could lead to underestimating the impact that descriptive representatives have, as their contemporaneous policy outcomes are made worse by the policy legacy they inherited. Therefore, if you do not account for legacies of disparities, you may be unfairly punishing descriptive representatives for

³⁹ Charles E. Lindblom, "The Science of 'Muddling' Through," *E:CO Emergence: Complexity and Organization* 12, no. 1 (2010): 70–80; Aaron Wildavsky, "The New Politics of the Budgetary Process," in *Scott, Foresman, 1988. Xxiv+468 Pp*, 1988, xxiv+468-xxiv+468.

⁴⁰ Avidit Acharya, Matthew Blackwell, and Maya Sen, "The Political Legacy of American Slavery," *Journal of Politics* 78, no. 3 (2016): 621–41, <https://doi.org/10.1086/686631>.

⁴¹ Marschall, Ruhil, and Shah, "The New Racial Calculus: Electoral Institutions and Black Representation in Local Legislatures."

inheriting a worse problem, and not measuring the impact they have on *improving* conditions for their group.

Towards a Theory of Multi-level Descriptive Representation

I seek to examine the role of descriptive representation in reducing racial disparities in policy outcomes. I argue, in line with the literature before me, that descriptive representatives are more likely to provide substantive representation for in-group minorities when they are incorporated. When minority representatives are incorporated, they are able to turn their preferences into policies, and given their predisposition to address minority issues, they will provide substantive representation for their in-group.

Hypothesis: When incorporated, more Black legislators will lead to more substantive representation, in the form of lower poverty disparities and less residential segregation for Blacks.

At the state level, political incorporation is best understood using partisan control of the state government: when Democrats control the state government, minority representatives are incorporated. However, I contend that incorporation is not always solely who is in control of that particular body. The hierarchy between state and local governments needs to be included in our understanding of local minority political incorporation. Racial minorities are incorporated at the local level when two conditions are met: Democrats control the local legislature, and the state government is *not* controlled by Republicans.⁴² When discussing local representation, it is not

⁴² Cities do not need proactive state activity, only for the state government to remain uninvolved, and if Democratic allies are able to split control of the state government, I assume they will prevent anti-minority substantive representation preemption.

simply partisan control of the local body that best reflects whether the city representatives are capable of materializing their priorities. It is important to remember the reality that cities are politically subordinate to states,⁴³ meaning a local majority coalition can see their actions stymied by a state government that opposes its policy choices. Commonly referred to as state preemption, this is a process by which that state supersedes local decision-making, stripping local representatives of their ability to make decisions.⁴⁴

For example, the city council in Durham, North Carolina, has a long history of descriptive representation. Still, they are unable to provide some forms of substantive representation, such as removing confederate statues, because the North Carolina state legislature has forbidden them from doing so. So, while descriptive representatives in Durham wanted Confederate statues to be taken down, they were powerless to provide that form of representation for their city. In this way, while the descriptive representatives are politically incorporated in most measures, they should not be considered so.

There are cases of state preemption in economic policy and social policies that could prevent local representatives from addressing poverty disparities and residential segregation: 26 states have preemption laws regarding a minimum wage, 22 states preempt paid leave laws, and 11 states preempt prevailing wage laws.⁴⁵ Many other states have preempted local rent

⁴³ There are institutional differences in the independence of cities across states. However, it is always the case that state governments exist above cities hierarchically, and I contend this shapes this relationship.

⁴⁴ While the process is rarely used, it is commonly used in negotiations between cities and states (Pomeranz and Mark 2016).

⁴⁵ Most of these laws were passed in states with unified Republican control, and most were passed in the period between 2010-2016.

regulations, inclusionary zoning, or eviction protections.⁴⁶ Therefore, cities are only incorporated if they can be sure they are not preempted at the state level, and this is only the case when allies at the state level have enough power to prevent state action (in other words, that the state government is not fully controlled by Republicans).

Data

Dependent Variables

Scholars disagree over how exactly to measure what constitutes substantive representation for racial minorities. While many studies look at specific actions on the part of representatives, such as roll call votes or bill introductions,⁴⁷ this can be problematic as deciding which actions count as pro- or anti-minority can be difficult. Instead, I follow other studies in focusing on policy outcomes as a measure of substantive representation. This has the benefit of more directly measuring what I argue is the impetus behind examining descriptive representation; that is, does including racial minorities in positions of power lead to better outcomes for racial minorities? Furthermore, instead of measuring aggregate government output as some have done, such as total welfare spending, I focus on a measure of disparity between the experienced outcomes of Blacks and Whites. This has two benefits. Firstly, a measure of disparity naturally compares outcomes for Blacks and Whites, which is substantively and normatively important. If racial minorities receive slightly better outcomes when descriptively represented, but Whites receive far better outcomes, we may not actually be measuring

⁴⁶ Solomon Greene, Kriti Ramakrishnan, and Jorge Morales-Burnett, “State Preemption of Local Housing Protections,” Urban Institute, September 30, 2020, <https://www.urban.org/research/publication/state-preemption-local-housing-protections>.

⁴⁷ Grose, *Congress in Black and White: Race and Representation in Washington and at Home*.

substantive representation. It is hard to imagine that minority citizens would be happy to see other groups prospering while they are left behind. Secondly, a disparity measure does not need to differentiate between minority and non-minority issues; it only needs to assume that equality in outcomes is something racial minorities desire. Making that assumption, any political actions that make outcomes more equitable across race would count as substantive representation.

I specifically focus on disparities in poverty rates and residential segregation. I focus on these two issues for two reasons. First, they are the product of systemic practices and institutions, and are within the power of governing officials to change. Second, they severely and negatively impact minority communities, making them a relevant area of study.

Poverty Disparities

Historically, Blacks have faced systemic economic barriers, leading to higher-than-average poverty rates, particularly for Blacks. For example, Blacks face discrimination in getting hired, especially in high-paying positions, and promotions.⁴⁸ These forms of economic discrimination are compounded by discrimination in the most important method of upward class mobility: education. Blacks are far less likely than Whites to go to a good primary school,⁴⁹ or

⁴⁸ Dominik Hangartner, Daniel Kopp, and Michael Siegenthaler, “Monitoring Hiring Discrimination through Online Recruitment Platforms,” *Nature* 589, no. 7843 (January 28, 2021): 572–76, <https://doi.org/10.1038/s41586-020-03136-0>.

⁴⁹ Timothy M. Diette, “The Whiter the Better? Racial Composition and Access to School Resources for Black Students,” *The Review of Black Political Economy* 39, no. 3 (January 1, 2012): 321–34, <https://doi.org/10.1007/s12114-011-9101-7>.

go to college.⁵⁰ These forces create barriers that are borne out in the data. Nationwide, Blacks are impoverished at nearly twice the rate of Whites.⁵¹

However, the systemic nature of these disparities means that governments can use their powers to change them. Legislatures have a wide variety of methods to ameliorate poverty disparities, from targeted economic development to increasing educational opportunities in certain neighborhoods. For example, given the highly segregated communities that exist in most American cities,⁵² a local government can direct growth-fostering programs to predominately Black communities to improve the economic situation for its Black residents, and therefore reduce poverty disparities between Blacks and Whites. These tools nicely put the provision of this form of substantive representation well within reach of representatives.

Poverty disparities go beyond simple economic disadvantage. Relegating communities into poverty has been shown to cause negative outcomes in education⁵³ and health,⁵⁴ among

⁵⁰ William B. Harvey, “The Weakest Link: A Commentary on the Connections Between K—12 and Higher Education,” *American Behavioral Scientist* 51, no. 7 (March 1, 2008): 972–83, <https://doi.org/10.1177/0002764207312000>.

⁵¹ Carlos Gradín, “Poverty among Minorities in the United States: Explaining the Racial Poverty Gap for Blacks and Latinos,” *Applied Economics* 44, no. 29 (October 20, 2012): 3793–3804, <https://doi.org/10.1080/00036846.2011.581219>.

⁵² Jacob S. Rugh and Douglas S. Massey, “Segregation in Post-Civil Rights America : Stalled Integration or End of the Segregated Century?,” *Du Bois Review* 11, no. 2 (2014 2013): 205–32.

⁵³ Mehmet Mirze Baydu, Orhan Kaplan, and Adem Bayar, “Facing The Influence of Poverty on Graduation Rates in Public High Schools,” *Procedia - Social and Behavioral Sciences* 84, no. Journal Article (2013): 233–37, <https://doi.org/10.1016/j.sbspro.2013.06.541>.

⁵⁴ David Taylor-Robinson, Sophie Wickham, and Ben Barr, “Child Health at Risk from Welfare Cuts: Poverty Has an Enduring Influence on Children’s Development, Health Outcomes, and Survival,” *BMJ (Online)* 351, no. Journal Article (2015), <https://doi.org/10.1136/bmj.h5330>.

other effects, and can be persistent over time, leading to a cross-generation poverty trap.⁵⁵

Therefore, if we care about the ability of descriptive representatives to deliver substantive representation to their group, poverty disparities are one arena we should expect to see results.

Measuring Poverty Disparities

Poverty disparity information was collected from the Census and a measure was constructed as a rate ratio. To get this measure, I divide the rate of poverty for Blacks by the rate of poverty for Whites. This creates a measure where 1 is equality, a score above 1 is a higher rate of poverty for Blacks than Whites, and a score between 0-1 is a rate of poverty that is higher for Whites than Blacks.⁵⁶ This measure gets higher as the Black rate of poverty gets higher in relation to the White rate of poverty, or put in other words, as racial disparities get worse.

A rate ratio should be read as what you multiply the White rate by to get the Black rate.⁵⁷ For example, if the rate ratio is 2, you multiply the White poverty rate by two, and that is the Black rate. Put another way, in this example, the Black poverty rate is twice as high as the White poverty rate. Table 2-1 demonstrates this measure for three different cities. Table 2-2 reports descriptive statistics for poverty rates across my sample, and Figure 2-1 shows the frequency

⁵⁵ Michael R. Carter and Christopher B. Barrett, “The Economics of Poverty Traps and Persistent Poverty: An Asset-Based Approach,” *The Journal of Development Studies* 42, no. 2 (2006): 178–99, <https://doi.org/10.1080/00220380500405261>.

⁵⁶ One potential issue with using a rate ratio is the asymmetry of the measure about 1. This is not a large concern for this examination, as it is rare for the Black poverty rate to be higher than the White poverty rate, meaning almost all my cases exist on the 1 to infinity part of the scale. Appendix A uses a modification of the rate ratio to account for this to demonstrate my findings’ robustness to this issue.

⁵⁷ One potential weakness of ratio-based measures is their high volatility when the total population is low, or when the number of positive cases is very low. This is potentially twice as bad for this measure, as it is a ratio of ratios, meaning if either of the ratios have the above problem you can end up with a score close to positive or negative infinity. In order to ensure stability in measurements, I set a minimum population of 500 individuals of each race, and a minimum number of cases of poverty of 50 for each race.

distribution. From Table 2-2 we can see that disparities in the cities in my sample are still very real: in the average city, you need to multiply the White poverty rate by 2.35 to get the Black rate. The frequency distribution shows that these rate ratios are largely normally distributed with a slight left skew.

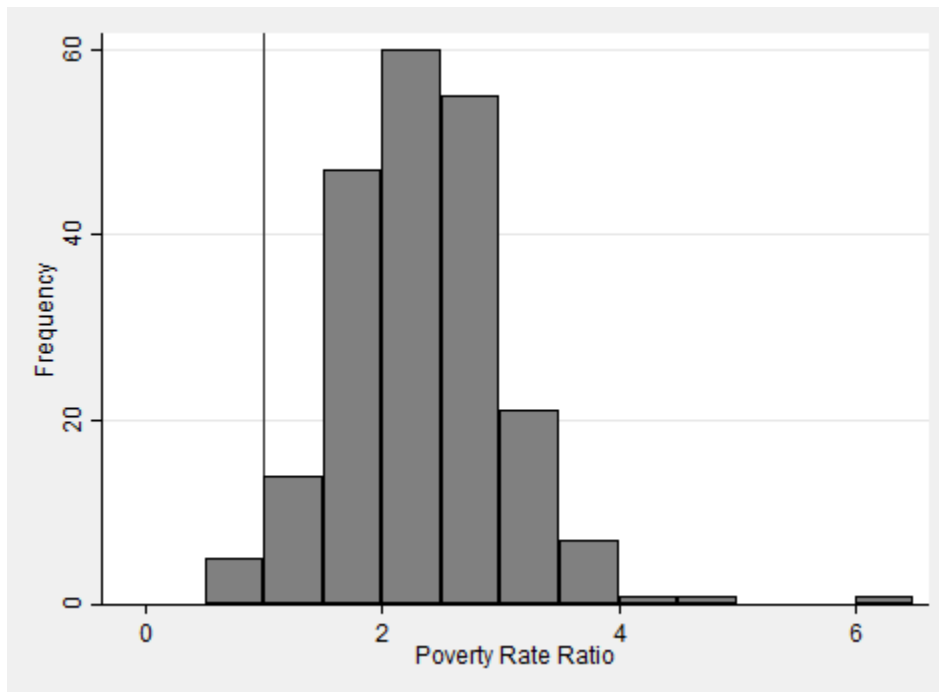
Table 2-1: Example Rate Ratios

White Poverty Rate	Black Poverty Rate	Rate Ratio
5%	10%	2
5%	5%	1
10%	5%	.5

Table 2-2: Descriptive Statistics for Poverty Rates

Variable	N	Min	Max	Mean	Std. Dev.
White Poverty Rate	212	0.04	0.385	0.14	0.06
Black Poverty Rate	212	0.09	0.682	0.30	0.09
Poverty Rate Ratio	212	0.72	6.380	2.35	0.72

Figure 2-1: Frequency Distribution of Poverty Rate Ratio



Residential Segregation

Americans in where they live, learn, and work are deeply segregated by race.⁵⁸ Like poverty disparities, segregation is the product of intentional decisions and racialized institutions. Focusing on residential segregation, historically, the separation of Whites from minorities was enforced through *de jure* racialized policies.

The Federal Housing Administration (FHA), established in 1934, was a federal bureaucracy created to help Americans get into homeownership, primarily through the backing

⁵⁸ David M. Cutler, Edward L. Glaeser, and Jacob L. Vigdor, “The Rise and Decline of the American Ghetto,” *Journal of Political Economy* 107, no. 3 (1999): 455–506, <https://doi.org/10.1086/250069>; Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (Liveright Publishing, 2017); Rugh and Massey, “Segregation in Post-Civil Rights America : Stalled Integration or End of the Segregated Century?”

of mortgages. However, at its inception, the FHA largely refused to back mortgages in and around Black neighborhoods, a process called redlining. This same agency released a handbook, the *Underwriting Manual*, which stated that "incompatible racial groups should not be permitted to live in the same communities", and further suggested that highways would be a good way to separate Black and White communities.⁵⁹

These rules were not limited to affecting the purchasing of homes and underwriting loans, the federal government built housing with the expressed purpose of being segregated. The Public Works Administration (PWA), established in 1933, was another federal bureaucracy created to, among other things, solve the post-war housing shortage and create construction jobs. However, by its own rules, it designated new housing projects for either Whites or Blacks, often bulldozing previously integrated communities, deemed slums, to make way for new segregated ones. These were not isolated examples, the federal government in no small way shaped homeownership in the post-WWII era, and it did so to create segregated communities.⁶⁰

However, *de jure* racial segregation is, for the most part, a fixture of the past, thanks in large part to the Fair Housing Act of 1968. Why then has residential segregation endured?⁶¹ Most scholars attribute modern patterns of residential segregation to two factors. First, many *de facto* racialized practices were never ended and continue to perpetuate segregation. Social practices such as White flight (where Whites flee neighborhoods where minorities move in) and

⁵⁹ Rothstein, *The Color of Law*.

⁶⁰ Rothstein.

⁶¹ Rugh and Massey, "Segregation in Post-Civil Rights America : Stalled Integration or End of the Segregated Century?"

interpersonal discrimination in the housing market, are compounded by economic forces which lower the housing value of Black homes and price Blacks out of White communities.⁶² Modern government activities can also exacerbate residential segregation, particularly through zoning laws. For example, local governments can designate certain particularly affluent areas in such a way as to prevent construction aside from single-family housing units. By preventing the building of more affordable housing options, these sorts of laws can perpetuate segregated communities, despite the lack of *de jure* institutions enforcing segregation.⁶³

Second, while the *de facto* policies may have ended, there was never a concerted effort to end the segregation they engendered, and therefore, their effects have simply continued despite their official demise. Once segregated communities were created, they gained equity. However, since these homes were denied to Blacks, so to was the equity built there. While Blacks' income in the United States is only about 60% of White income, Black wealth is only about 5% of White accumulated wealth. This wealth gap is a direct result of the history of racial discrimination in the housing market, as the vast majority of wealth is built through homeownership and equity. So, while the laws preventing Blacks from purchasing homes near Whites are no longer on the books, those homes are now out of the reach of most Blacks because of the lasting effects of those same laws.⁶⁴

Governments are not powerless to these forces. Both the continuing *de facto* practices, and the lingering effects of *de jure* policies can be addressed through collective action. For

⁶² Cutler, Glaeser, and Vigdor, "The Rise and Decline of the American Ghetto."

⁶³ Rothstein, *The Color of Law*.

⁶⁴ Rothstein.

example, local governments can use rent protection, inclusionary zoning, and economic incentives to induce residential integration.

The effects of residential segregation are as persistent as they are detrimental to minority communities. Residential segregation has been linked to lower economic opportunities for Blacks,⁶⁵ poor health conditions,⁶⁶ and an increased likelihood of being a victim of a crime.⁶⁷ Segregation also has far-reaching consequences on education for Black communities. Not only are Blacks less able to afford high education, their local primary schools (themselves highly segregated due to segregated communities students are drawn from) lack resources as most school funding is drawn from local property taxes.⁶⁸ This leads to worse child development, and long-term economic consequences for Black youth. Clearly, segregation is another policy venue where we should expect descriptive representatives to seek remedies.

Measuring Segregation

However, unlike poverty, there is no uniform method for measuring segregation. In this chapter, I will use an exposure index to quantify racial segregation in different cities.⁶⁹ An

⁶⁵ Matt L. Huffman and Philip N. Cohen, “Racial Wage Inequality: Job Segregation and Devaluation across U.S. Labor Markets,” *The American Journal of Sociology* 109, no. 4 (January 1, 2004): 902–36, <https://doi.org/10.1086/378928>.

⁶⁶ Sahael M. Stapleton, Numa P. Perez, and David C. Chang, “Residential Segregation and Health Care Segregation: Separate But Not Equal,” *Annals of Surgery* 273, no. 6 (June 2021): 1031–33, <https://doi.org/10.1097/SLA.0000000000004864>.

⁶⁷ Songman Kang, “Inequality and Crime Revisited: Effects of Local Inequality and Economic Segregation on Crime,” *Journal of Population Economics* 29, no. 2 (April 1, 2016): 593–626, <https://doi.org/10.1007/s00148-015-0579-3>.

⁶⁸ Rothstein, *The Color of Law*; Mark Ryan, *The Enduring Legacy: Structured Inequality in America’s Public Schools*, Fulcrum.Org (University of Michigan Press, 2020).

⁶⁹ Exposure scores are not the only way to measure residential segregation. Another popular measure is the dissimilarity index. Broadly, the dissimilarity index measures how evenly spread out each racial group is compared

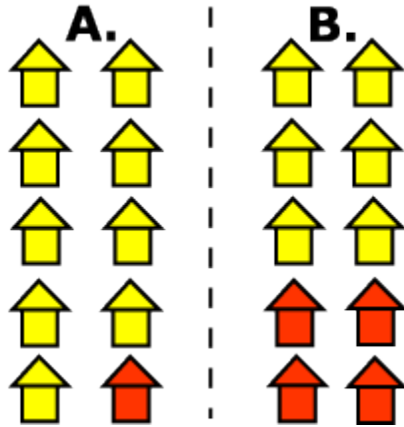
exposure index measures how the composition of the average city resident's neighborhood varies according to that person's race. This index measures a given group's exposure to all racial groups, including itself, in the form of a weighted average depicting the racial composition of the neighborhood of the average person of a given race. You can separate each racial dyad into a separate score. Therefore, if the average Black resident lives in a neighborhood that is 25% Black, 25% Latinx, 25% White, and 25% other, then the Black-White⁷⁰ exposure score would be 25, the Black-Black score would be 25, and so on.

How exactly is this measure constructed? Figure 2-2 shows an example city split into two neighborhoods. In this example, each yellow house represents 100 White residents, and each red house, 100 Black residents. 60% of the total White population lives in neighborhood A, while 40% lives in neighborhood B. This means that 60% of the White population lives in a neighborhood that is 10% Black, and 40% lives in a neighborhood that is 40% Black. You then employ a weighted average of all the neighborhoods (in this case, 2). Therefore, the White-Black exposure score for this entire city consisting of two neighborhoods would be 22, meaning the average White person lives in a neighborhood that is 22% Black.

to each other. I employ an exposure score because one weakness of the dissimilarity index is it does not tell you what the underlying communities look like, but only how integrated they are. Therefore, a 95% Black city could be considered perfectly integrated so long as the White population within the city is evenly spread out. An exposure score on the other hand, measures the average resident's (of a specific race) experienced community. This more closely gets to the underlying issues which make segregation relevant, the exposure of Blacks to Whites, and the resources they bring to communities.

⁷⁰ To read an exposure score, the first group is the group whose average neighborhood you are examining, the second group is which race in the neighborhood you want to examine. In this case, we would be examining the White population in the average Black neighborhood.

Figure 2-2: Example City



Source: CensusScope

For this book, I will be examining the Black-White exposure score.⁷¹ This allows me to measure how exposed Blacks are to Whites on average. As scholars have noted, increasing the integration of Whites and Blacks can lead to new resources and opportunities for Black communities.⁷² Given the general lack of exposure across the country, I will consider an increase in Black-White exposure a decrease in segregation and therefore an indicator of substantive representation. The score was constructed using Census bloc data and collected from the CensusScope organization. Table 2-3 shows the descriptive statistics for various exposure scores and the underlying population. If communities were integrated, we should expect these scores to match the underlying population demographics. Yet as you can see, on average, Black

⁷¹ One potential issue with discussing residential segregation and descriptive representation, is we know that Black voters are an integral part to the election of Black representatives (Grose 2011). Therefore, it could be that worsening segregation leads to more descriptive representation. However, it should be noted that I predict that more descriptive representatives would lead to lower segregation, the opposite of this reverse causality story.

⁷² Rothstein, *The Color of Law*.

residents live in communities that are about 43% White and 25% Black, in cities which are on average 49% White and 21% Black.

Table 2-3: Descriptive Statistics for Exposure Scores

Variable	N	Min	Max	Mean	Std. Dev.
Black-White Exposure	212	0.77	90.1	42.78	21.25
Black-Black Exposure	212	1.08	91.47	25.53	23.91
Black Pop Share	212	0.00	81.41	21.11	16.98
White Pop Share	212	1.40	89.93	48.88	20.73

To better see how these exposure scores match their underlying populations, Figure 2-3 shows the scatter plot of the Black-White exposure score and the underlying White population share, while Figure 2-4 shows the scatter plot for the Black-Black exposure score and the underlying Black population share. Cities that are integrated should be around the center 45-degree line; as the share of the target population goes up, so to should the exposure score. In the case of the Black-White exposure score, dots below the 45-degree line represent cities where the exposure of Blacks to Whites is disproportionately low. In the case of the Black-Black exposure score dots above the line represent cities where the exposure of Blacks to other Blacks is disproportionately high. As we can see, while there is certainly a correlation between the size of the population and the exposure of Blacks to this population, there is a pattern of segregation that distorts this relationship.

Figure 2-3: Black-White Exposure / White Population Scatter Plot

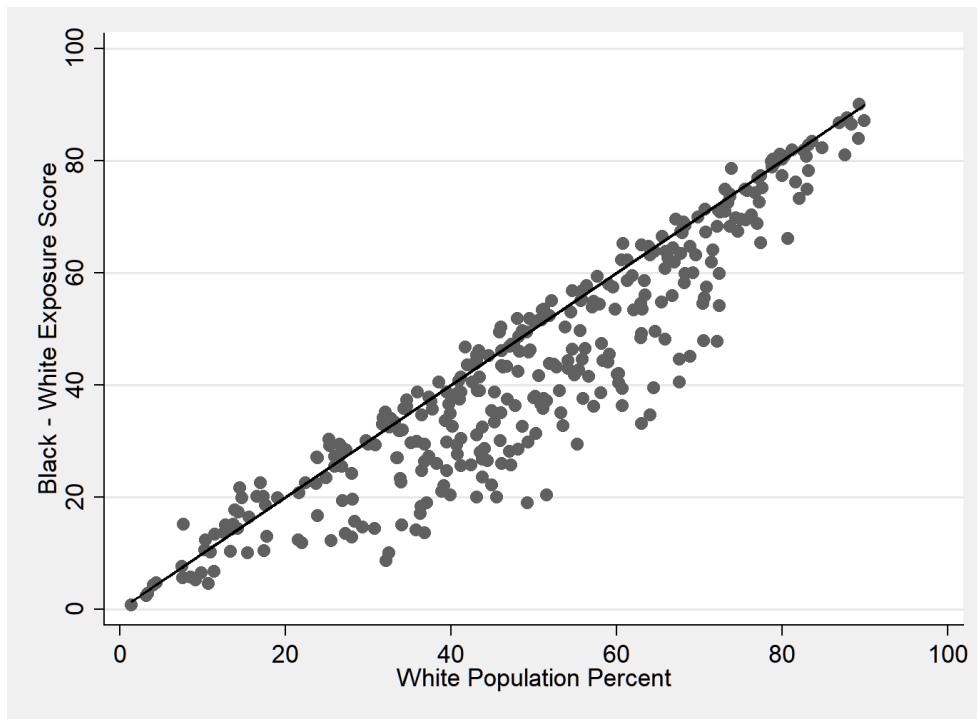
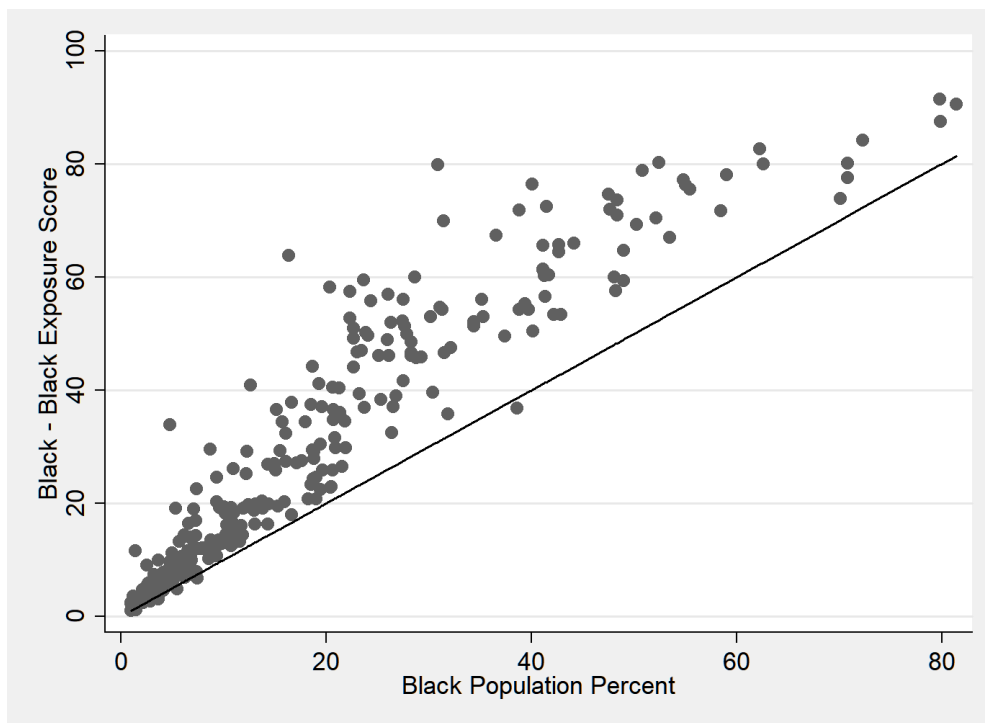


Figure 2-4: Black-Black Exposure / Black Population Scatter Plot



Independent Variables

Descriptive Representation

To test my hypothesis, I use a newly collected dataset of over 7,000 representatives at the state and local level. This dataset covers the 500 largest cities as identified by the Census (designated in the Census as "places"), across 43 states. Of those, 212 cities across 31 states are included in the models due to missing data.⁷³ Information about local representatives was collected for the year 2016, before November.⁷⁴ Information was gathered through a variety of public resources, but mainly was done through city council websites. For each local representative, I used photographs to determine their race and ethnicity.⁷⁵ I coded race and ethnicity as mutually exclusive, so White means non-Hispanic White, Black means non-Hispanic Black, and Hispanic covers any race that is ethnically Hispanic. State legislatures' racial demographic information was gathered from the National Conference of State Legislators and combines representatives from every chamber in the state. I do not include the aggregate level of representation at the federal level, as that is constant across the US.⁷⁶

Table 2-4 shows the racial breakdown for different types of representatives in the data set. Table 2-5 shows descriptive statistics for the Black representation variables. Black

⁷³ The major contributor to data loss comes from the introduction of population controls and legacy data, which will be discussed later. The main consequence of these decisions is to drop cities that are primarily White, and generally lack Black representation. This will be discussed at length in the Appendix C.

⁷⁴ This information was gathered in 2018-2019, to find past members I used internet archives of city council pages or city council minute archives for individual cities. Minutes were used to identify who occupied the seats in 2016, then broader internet searches were used to obtain pictures. I coded the relevant local legislatures in the city, regardless of official title, but will refer to these collectively as city councils.

⁷⁵ For representatives that were hard to code using a photograph, for example for those with less defined racial phenotypes, I used alternate sources such as self-described race, in order to code these individuals.

⁷⁶ I will discuss controlling for the independent impact of federal representation on their home districts later.

representatives make up about 23% of city council seats, about 15% of mayors, and 12% of state legislators. Figure 2-5 shows a frequency distribution for city council Black representation across my sample. We can see that a plurality of cities have no Black members on their councils, creating a right skew to the distribution.

I operationalize descriptive representation as the number of seats held by Blacks in a legislature divided by the number of total seats, not including Hispanics or others. Put another way, Black share equals Black seats/ (White seats + Black seats). This creates a measure that accounts for different sizes of legislatures, while also removing all groups besides Whites and Blacks, as their role in the descriptive representation of Blacks is outside the scope of this project. Regarding that, there are two main theories about how the representation of other minority groups (namely Latinx) will contribute to the substantive representation of Blacks. Some argue that other minority representatives will band together with Black representatives to provide substantive representation for all minorities, sometimes referred to as creating a "rainbow coalition".⁷⁷ However, others have argued that minorities may compete with each other for scant resources, creating a negative relationship between increased non-Black minority representation and Black substantive representation.⁷⁸ While the contradictory findings warrant more research, this lies beyond the scope of this book, which will solely focus on the Black-White dynamic. Furthermore, other racial minorities do not make up a large share of descriptive

⁷⁷ Browning, Marshall, and Tabb, "Protest Is Not Enough: A Theory of Political Incorporation."

⁷⁸ Marschall, Ruhil, and Shah, "The New Racial Calculus: Electoral Institutions and Black Representation in Local Legislatures"; Rene R. Rocha, "Black-Brown Coalitions in Local School Board Elections," *Political Research Quarterly* 60, no. 2 (2007): 315–27.

representatives in my sample, below 7% of combined city councilors, further limiting the impact of this decision.

Table 2-4: Representative Race Across City and State Governments

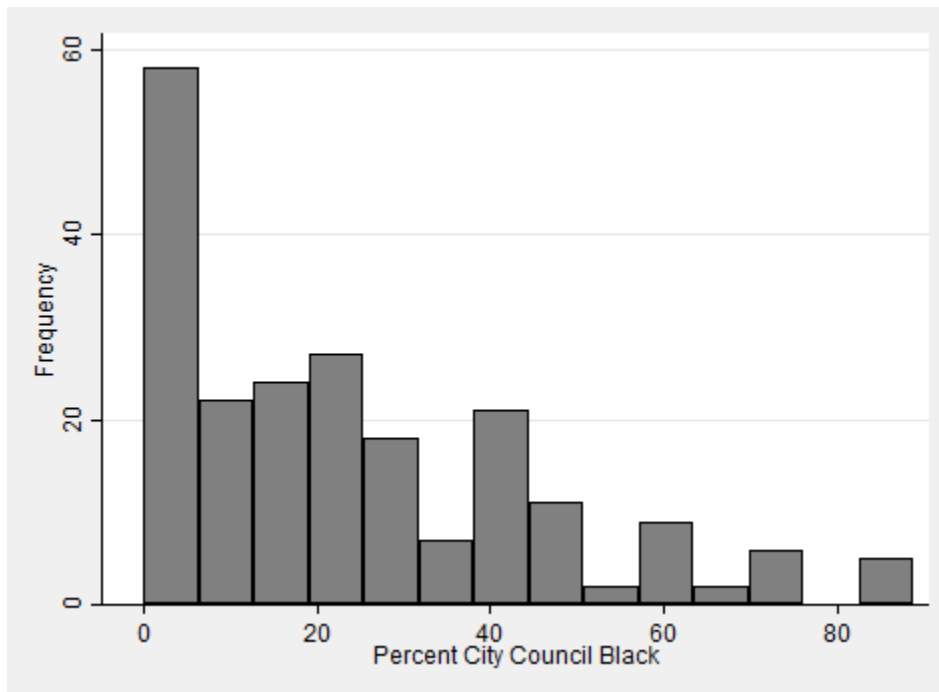
	City Council		Mayor		State Leg.	
Race	N	%	N	%	N	%
White	1,371	68.79	179	84.43	3,805	79.17
Black	472	23.65	33	15.56	576	12.00
Hispanic	120	6.01	0	0	260	5.41
Other	33	1.65	0	0	165	3.43
Total	1,996	100	212	100	4,806	100

Table 2-5: Descriptive Statistics for Black Representation

Variable	N	Min	Max	Mean	Std. Dev.
Black City Council Share	212	0	88.89	23.59	22.11
Black State Legislature	212	1.04	28.28	12.90	6.30
Black House Rep.	212	0	1	0.01	0.12
Black Mayor	212	0	1	0.16	0.40

*For the city council, state legislature variables, the share is calculated as the Black seats/ (Black + White seats). For the mayor variable, cities with Hispanic or Other race mayors were dropped.

Figure 2-5: Frequency Distribution For Black Council Percent



Incorporation

Integral to my theory is the incorporation of descriptive representatives. At the state level, I measure incorporation as many before me have: minority representatives are incorporated if Democrats have unified control of the state government or if they comprise a majority on the council. As discussed earlier, I define incorporation at the local level as a combination of local and state contexts. This definition has two requirements for a city to be coded as politically incorporated: the city must be controlled by Democrats or Blacks must be in the majority, and the state must not be under unified Republican control. This captures both the ability for local representatives to pass laws in their own chamber, and the lack of a unified government above them that may preempt them. In order to code these two measures of incorporation, I begin with the partisan make-up of state governments. State partisanship data is widely available and was collected for each state before the 2016 election. States were coded as having unified partisan

control only if one party controlled all legislative bodies and the governorship; otherwise, there were coded as split partisan control.

However, measuring partisan control at the local level is far more complicated. The vast majority of the city governments are officially nonpartisan. However, even cities that are officially nonpartisan are still filled with individuals who will either be willing to form a coalition with racial minorities or not. In other words, minority incorporation does not depend on a city being officially partisan. I estimate this local incorporation using local voting data, arguing that voters who are willing to vote for a Democrat are likely to also vote locally for those who are sufficiently racially liberal as to vote with minority councilors. However, there is little information for voting data at the city level. I start the estimation process by using voting data at the precinct level from the 2008⁷⁹ presidential election, provided by the Harvard Election Data Archive. I then use a new process borrowed from the gerrymandering literature to translate this precinct-level data into different city limits while accounting for population clustering.⁸⁰ This gives me the best estimates available for the partisan⁸¹ breakdown for voters within a city's boundaries. I then assume that if the majority of voters in a city voted for Obama, then those voters would also elect a city council whose majority is willing to vote with minority representatives, incorporating them at the local level.

⁷⁹ 2008 presidential election data is used because 2016 precinct returns are not available in the format required in order to match precincts to cities.

⁸⁰ John A. Curiel and Tyler Steelman, "Redistricting Out Representation: Democratic Harms in Splitting Zip Codes," *Election Law Journal: Rules, Politics, and Policy* 17, no. 4 (2018): 328–53.

⁸¹ It should be noted this is measuring all voters on the same national partisan scale, as all voters are evaluating vote choice for the same candidate. While it is true local understandings of partisanship probably vary greatly, it is useful to use a national measure because the idea is not to measure what a voter calls themselves, but how willing they would be to vote for someone who would be willing to join with minority members.

This approach has some limitations. We know that the electorate at the national level is not the same as the electorate at the local level. Voters' preferences could also be different at the national and local level. To address these concerns, I validate this method using a test dataset. I use this method to estimate partisan control for the 42 cities that have official partisan information, and for which election information is available. The method successfully predicts partisan control in 35 of the cases (85%). While this method is certainly not perfect, I argue it is a reasonable way to estimate the incorporation of minorities on officially nonpartisan bodies, and the data validation shows that this method is similar to the normal partisanship-based incorporation approach.

I use these data to code cities as Republican or Democratically controlled. However, as discussed earlier, I seek to model multi-level incorporation. In this vein, if the city is Democratically controlled, *and* the state is Democratically controlled or has split partisan control, this city is coded as being locally incorporated. Table 2-6 presents descriptive statistics for my partisanship/incorporation measures. This table shows that the majority of my cases are cities with Democratic control (81%), but many of these Democratic cities exist in states controlled by the Republicans (about 40% of the sample).

This leaves me with two different measures of incorporation: one for state governments and one for local governments. Both of these measures will be used in interaction terms with the level of Black representation in their respective bodies.

Table 2-6: Descriptive Statistics for Incorporation

Variable	Min	Max	Mean	Std. Dev.
Democratic City Council	0	1	0.81	0.40
Multi-Level City Incorporation	0	1	0.41	0.49
Unified Democratic State	0	1	0.19	0.39

Controls

While the main goal of this analysis is to evaluate the influence of descriptive representation on racial disparities in poverty rates and housing segregation, I must also control for other theoretically informed covariates, which might influence these disparities. I include controls for legacies of disparities, having a Black representative in the House, having a Black mayor, the share of the population that is Black (for the poverty rates model), state legislature professionalism, being in the South, the share of the population that is White (for the segregation model), and the White poverty rate (for the segregation model).

One thing we know about policymaking is that the process is highly incremental, as policymakers start with existing policies and move from there. This means that policy outcomes are very "sticky" over time, and high disparities will tend to perpetuate themselves. If descriptive representatives tend to be from places that have worse starting points, I could inadvertently punish them for inheriting a worse starting point (or vice versa), and not fully measure the impact they have on *improving* the disparities. To successfully control for the policy starting point, which I call the legacy, it would be best to find the poverty rate disparity before there were any descriptive representatives. However, as collecting local data is time-

intensive, this dataset only covers one time point, and it is impossible to know exactly when this is for every city. I use the poverty rate disparity and segregation disparity in 1970 to proxy this. 1970 as a starting point is both convenient and theoretically relevant: census data for specific cities before 1970 can be significantly harder to access, and this time period predates modern patterns of descriptive representation. Before 1970, the levels of descriptive representation are far lower, particularly because of the lack of federal voting protections, which was only fully instituted in the Voting Rights Act of 1965. For example, the total number of local representatives increased 300% from 1972 to 2000.⁸² Table 2-7 presents descriptive statistics for the legacy terms and other relevant controls.

The average poverty disparities, measured in rate ratios, were much higher in the past: on average, cities reduced their poverty disparity ratio by 1.79, almost half the average starting disparity ratio of 4.14. Conversely, segregation has actually gotten worse in the aggregate, the exposure score fell from about 59 to 42. This means the average Black individual lived in communities with almost 17% more Whites in them. By including the legacy term in the model, I more accurately measure how descriptive representatives *change* policy to the benefit of their group, rather than an association of high descriptive representation and low disparities. Furthermore, I am accounting for a potential underestimation bias introduced by not including such a measure, as discussed in my theory section.

⁸² Paru R. Shah, Melissa J. Marschall, and Anirudh V. S. Ruhil, “Are We There Yet? The Voting Rights Act and Black Representation on City Councils, 1981–2006,” *The Journal of Politics* 75, no. 4 (2013): 993–1008, <https://doi.org/10.1017/S0022381613000972>.

Table 2-7: Descriptive Statistics for Incorporation and Controls

Variable	Min	Max	Mean	Std. Dev.
Legacy Poverty Rate Ratio	0.84	10.35	4.14	1.75
Legacy Exposure Score	2.51	97.98	58.64	27.93
Black Population Share	0.00	81.41	21.11	0.157
State Professionalism	4.80	62.90	34.35	17.06
South	0.00	1.00	0.35	0.48
White Population Share	1.40	89.93	48.88	20.72
White Poverty Rate	0.04	0.385	0.14	0.06

While levels of federal descriptive representation do not vary across the US, certain places may be specifically represented by a Black member of the House of Representatives (I do not examine the Senate due to low levels of descriptive representation in this body, and I do not investigate Black governors for the same reason). Scholars have shown that Black congresspeople are very successful in supporting racialized projects in their districts, and could be responsible for local improvements.⁸³ I control for this using a dummy variable for having a Black House representative.⁸⁴ About 1% of cities in my sample have a Black House Representative.

Many descriptive representation studies have examined the role of Black mayors and Black voters in providing substantive representation for their cities. As such, it is important to disentangle the impact of Black executives and Black population size from the effect of Black

⁸³ Grose, *Congress in Black and White: Race and Representation in Washington and at Home*.

⁸⁴ Some cities may exist in multiple House districts, I measure only the district in which the plurality of the city exists.

legislators. To do so, I include a dummy variable for Black mayors, coded 1 if the mayor of the city is Black, 0 otherwise.⁸⁵ I also control for the share of the population that is Black, as reported by the Census. About 16% of cities had a Black mayor, and the average Black population share was about 21%, slightly above the national average.

We also know that state legislatures vary widely across the US in how professional they are. If a certain state has institutions that make it more capable of problem solving, it could be the case that states could address poverty disparities better than others. I use a standard measure of professionalism, the Squire index, to control for these differences in problem-solving capabilities between state governments.⁸⁶ I use the mean professionalism score for the legislative bodies for that state. This ranges from about 5 to 63, with an average score of 34, with higher scores representing states that are more professional.

It is also essential to control for a state being in the South (the states from the former Confederacy). This region has a specific history of racial oppression and separation that could lead it to have higher disparities across a wide variety of measures. I code states as 1 if they were in the former Confederacy, and 0 otherwise.

For my segregation model, I include two other controls, the White population share and the White poverty rate. I control for the White population share, as it is linked to the Black-White exposure score closely. As the White share of the population rises, the exposure score should rise, and indeed Figure 2-3 shows this relationship is quite strong. By controlling for this, I am better capturing the distortion from integration. However, because the White population

⁸⁵ Recall that all cities with non-White or Black mayors were dropped from the sample.

⁸⁶ I multiply this index by 100 to place it on a 0-100 scale, similarly to the other variables in the analysis.

share and the Black population share are inherently linked, I drop the Black population share variable from my segregation model to avoid multicollinearity issues. I also control for the White poverty rate, as it could be the case that integration only increases in some cities because there is a larger poor White community that might be in Black neighborhoods. By controlling for the poverty rate for Whites, my model better measures the integration of Blacks into affluent areas.

Methods

To examine my theory, I employ the hierarchal linear models specified below, using state random effects.

Segregation Model: Poverty Disparities= Legacy Score + State Black Representation + State Incorporation+ State Black Representation * State Incorporation + City Black Representation + City Incorporation + Black House Rep. + City Black Representation * City Incorporation + Black House Rep. + State Professionalism + Black Mayor + South + White Population Share + White Poverty Rate + State Random Effects

Poverty Model: Poverty Disparities= Legacy Disparity + State Black Representation + State Incorporation+ State Black Representation * State Incorporation + City Black Representation + City Incorporation + Black House Rep. + City Black Representation * City Incorporation + Black House Rep. + State Professionalism + Black Mayor + South + Black Population Share + State Random Effects

Results

In the following section, I discuss the results of running the hierarchal linear model, shown in Table 2-8. I begin with a description of the results from the segregation model, then discuss the poverty model. Importantly, the segregation model is predicting Black- White exposure, and as the measure goes up, segregation is going down. The poverty rate ratio is measuring the Black poverty rate relative to the White poverty rate, and therefore, as the rate

goes up, the disparities are going up. This means that, according to my hypotheses, I expect to find that representation will have a positive effect in the segregation model, and a negative effect in the poverty model.

Table 2-8: Different models predicting disparities

	Segregation Model	Poverty Rate Model
Legacy	0.235*** (0.014)	0.072* (0.029)
Percent State Leg. Black	-0.214*** (0.061)	0.002 (0.012)
State Incorporation	-11.695 (7.406)	-0.742 (1.096)
State Incorporation * Percent State Leg. Black	1.403* (0.641)	0.088 (0.098)
Percent City Council Black	-0.075*** (0.023)	0.006 (0.005)
City Incorporation	-1.747* (0.851)	0.774*** (0.171)
City Incorporation * Percent City Council Black	0.065** (0.024)	-0.017*** (0.004)
Black House Rep	2.752 (1.822)	-0.016 (0.407)
State Leg. Professionalism	-0.100** (0.039)	-0.022** (0.007)
Black Mayor	1.304 (0.943)	-0.060 (0.144)
South	-0.208 (1.044)	0.099 (0.168)
Black Population Share	- -	-0.917 (0.520)
White Population Share	76.520*** (1.785)	-
White Poverty Rate	7.768 (4.751)	-
Constant	-3.618 (1.999)	2.554*** (0.249)
State RE	Yes	Yes
N	212	212
Overall R-Square	0.95	0.21

Segregation Model Results

For the model predicting residential segregation, I find a positive and significant relationship between descriptive representation, at the state and local level, and reducing segregation, however, only when representatives are incorporated. This effect is substantively large as well. At the city level, moving from an all-White to an all-Black council increases the exposure score by about 6. In the real world, this would mean the average Black resident would live in a community that is 6 percent Whiter. At the state level, moving from the smallest share of state legislatures (1%) to the highest (28%) would result in a subsequent increase in the exposure score of about 30.

When Black representatives are not incorporated the story is a little less clear. At the state and local levels, I see a negative and significant relationship between the share of the legislature that is Black and the exposure score. This means that as legislatures (without incorporation) get more Black members, segregation gets worse, perhaps pointing towards racial backlash politics. Incorporation without descriptive representatives also has a negative coefficient, but it is only significant in the local context. This is a bit strange, as incorporation is meant to measure the presence of allies; instead, I find that localities that meet these conditions, but do not have Black representatives are worse than localities that do not meet them. While the fact that areas with White "allies" are actually worse may seem surprising, this corresponds to some existing evidence showing that White co-partisans may not be beneficial to the provision of substantive representation when racial minorities are not present (Clark 2019).

Figure 2-6 and 2-7 shows the predicted exposure score, for different levels of Black representation, depending on state incorporation. In this and the following figures, the shaded

area represents the 95% confidence interval. We can see that in states where Black representatives are not incorporated (Republican controlled), increasing Black representation leads to lower exposure, and increased segregation. However, when Black representatives are incorporated, this effect is the opposite, and increased levels of descriptive representation are leading to less disparate policy outcomes. This is slightly different at the local level. In local legislatures without incorporation, increases in Black representation lead to precipitous increases in segregation, however, when incorporated, there is only almost no effect. In both cases, the effect of incorporation on descriptive representation is apparent. For state governments we see that adding descriptive representatives when these representatives are politically incorporated leads to lower levels of segregation. In localities we see that adding representatives outside the incorporation context leads to more segregation, but when incorporated this negative effect is mitigated.

Figure 2-6: Predicted Black-White Exposure Score

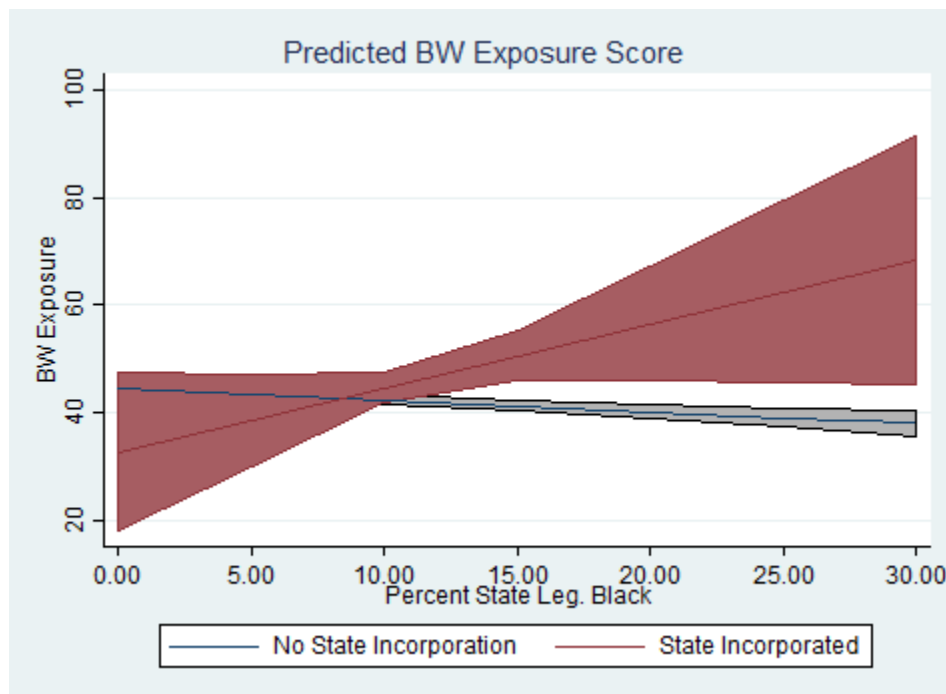


Figure 2-7: Predicted Black-White Exposure Score

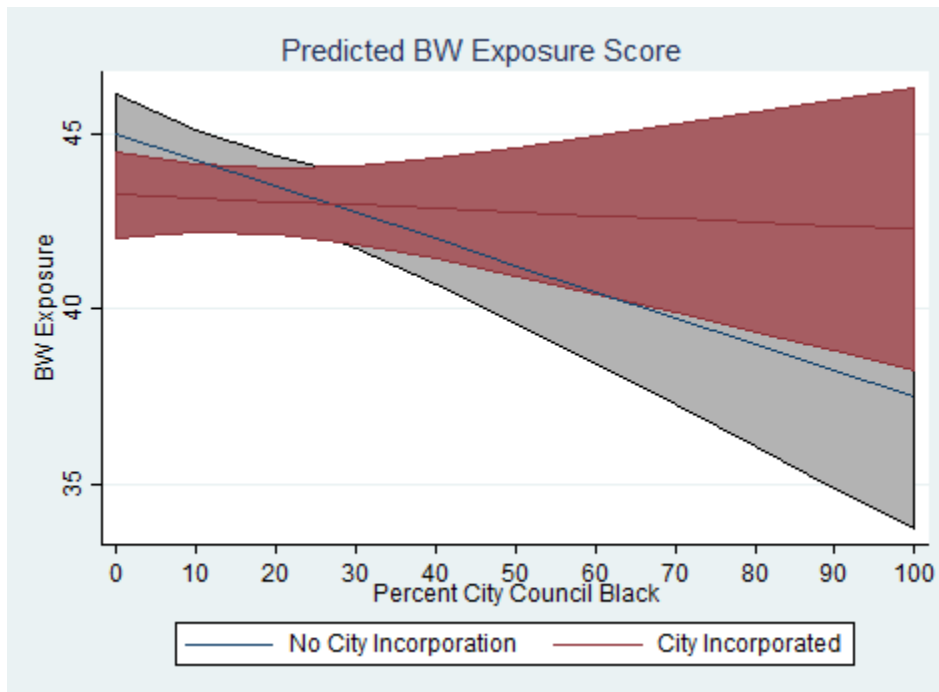


Figure 2-8 and 2-9 show the marginal effect plots of this interaction for state and local incorporation respectively. We see the same pattern described before: incorporated states and localities start worse than non-incorporated areas, but as Black representation rises, integration increases. These figures bring the results into sharp relief: descriptive representation can lead to better policy outcomes, but it is dependent on political incorporation.

Figure 2-8: Marginal Effect of Incorporation at State Level on Segregation

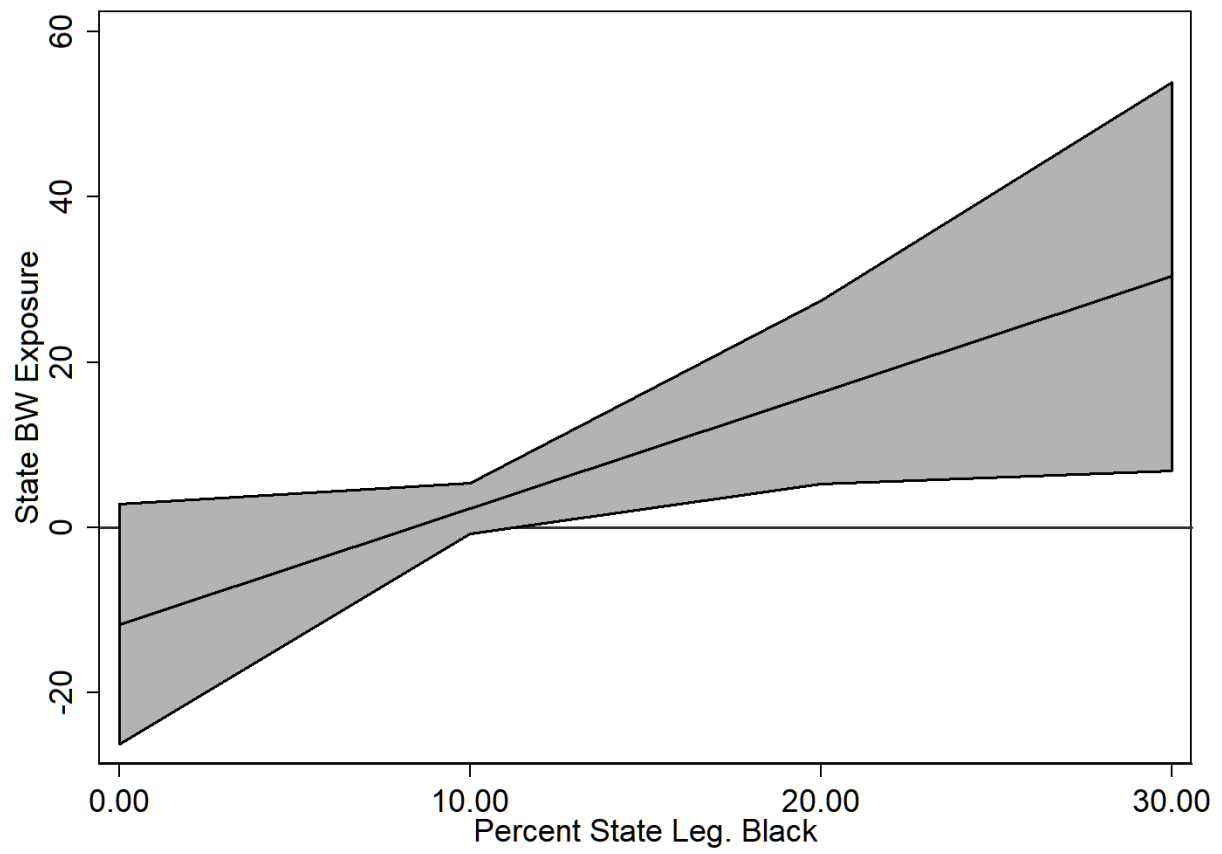
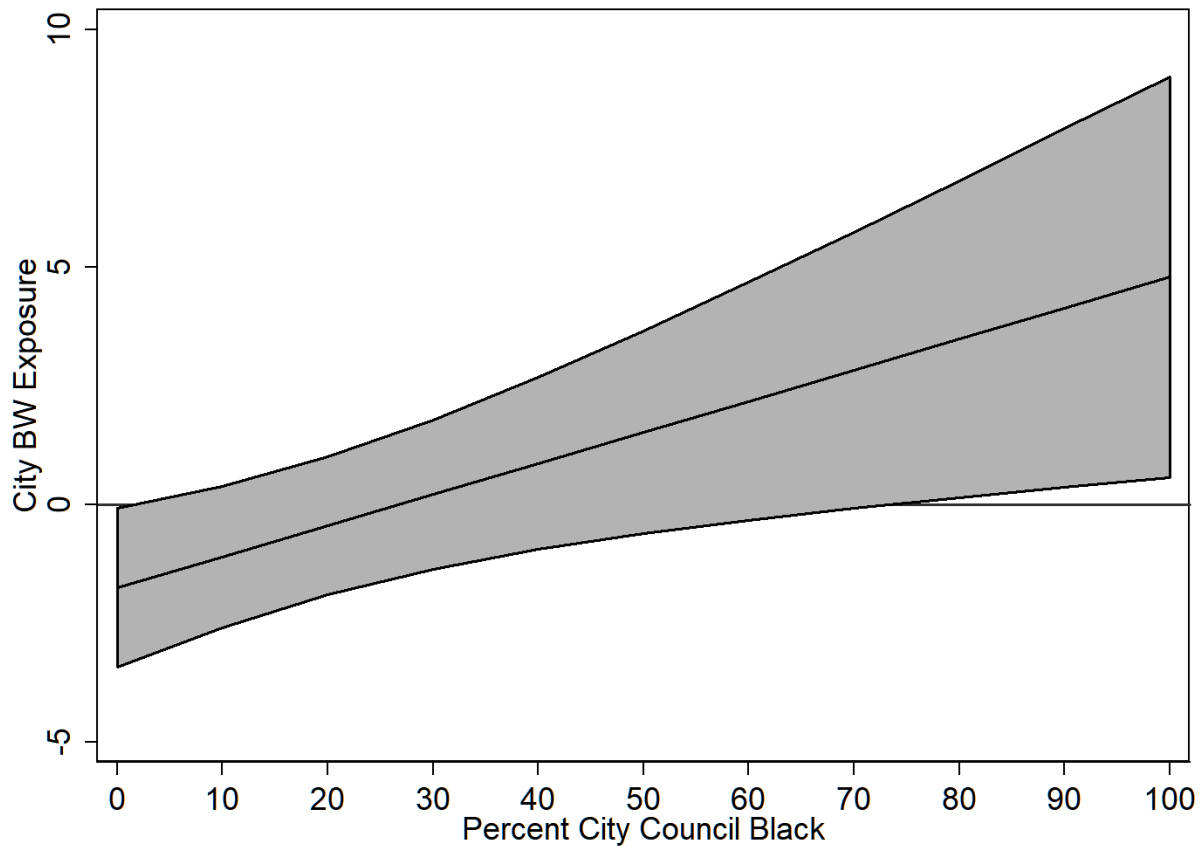


Figure 2-9: Marginal Effect of Incorporation at City Level on Segregation



Taken together, these results firmly support my hypothesis for the local and state level: when minority representatives are incorporated, they provide substantive representation for their group, yet when they lack incorporation, they have little noticeable effect on disparities. It doesn't matter how many descriptive representatives are in the room if they cannot pass the policies they want.

My model also shows a strong positive relationship between the legacy term, the White population share, and segregation. These results are not surprising: as discussed, we know that policy outcomes are sticky over time, and we saw a strong correlation between White population share and Black-White exposure in Figure 2-3. I also found a negative and significant results for

the state legislature's professionalism. I did not find a significant relationship for Black House Representatives, Black mayors, being in the South, or the White poverty rate. In the next section, I will discuss possible reasons that some of the potential controls did not return significant findings.

Poverty Model Results

For the model predicting poverty disparities different measurements of descriptive representation, I find a negative and significant relationship between descriptive representation at the local level and poverty disparities, but only when these representatives are incorporated. This effect is substantively large: moving from an all-White council to an all-Black council decreases the poverty disparity score by 1.7, this is more than the average disparity score across the sample, and is roughly the equivalent of going from a Black poverty rate being about three times higher than the White rate to racial parity. However, when minorities are not incorporated, the coefficient is positive, insignificant, and close to zero. I find that local incorporation without Black representation has a positive and significant relationship with disparities. This is the same relationship described in the segregation model: incorporated areas, that is areas we normally suspect are filled with those who are willing to work with racial minority members, are worse than their non-incorporated counterparts when Blacks are not "in the room."

Figure 2-10 shows the predicted poverty disparities, for different levels of Black representation, for cities that are incorporated and cities that are not. These groups are very different, highlighting the importance of political context when examining descriptive representation. When incorporated, increasing minority representation leads to lower predicted disparities, whereas without incorporation, we see a slight (and insignificant) increase in

disparities as Blacks gain more seats. We can also see that without Black representation, incorporation exacerbates disparities. This means that while racially diverse Democratically leaning areas have the lowest disparities, they are followed by Republican-leaning areas, and then White Democratically leaning areas. Figure 2-11 shows the marginal effect of city incorporation on poverty disparities as Black representation increases. Here we see the same pattern: incorporated cities start off worse than non-incorporated cities, but as Black representation grows, this effect lowers until incorporated cities have lower disparities than non-incorporated cities.

Figure 2-10: Predicted Poverty Disparities

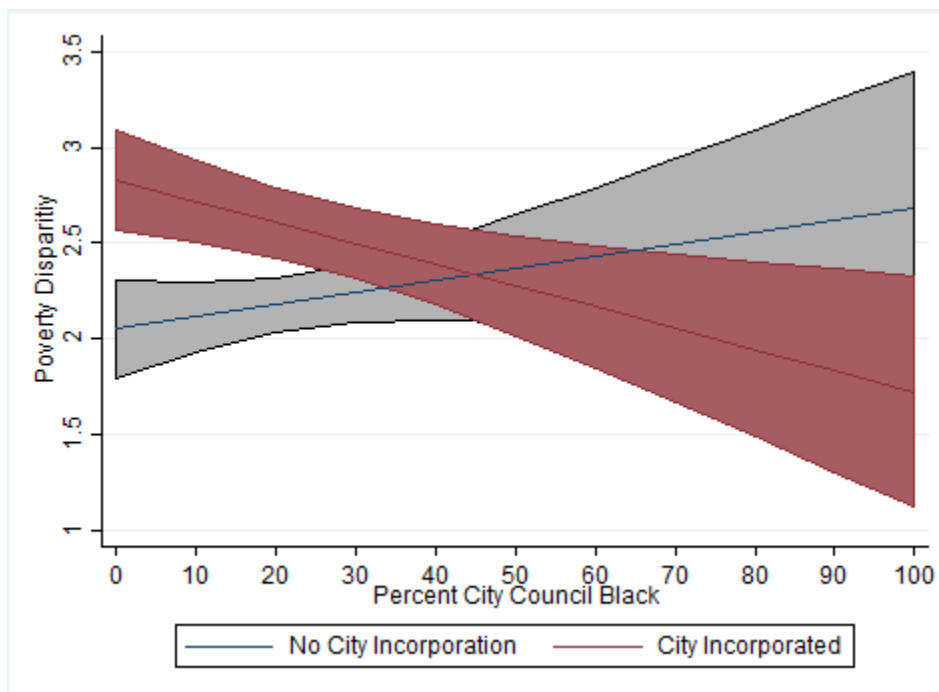
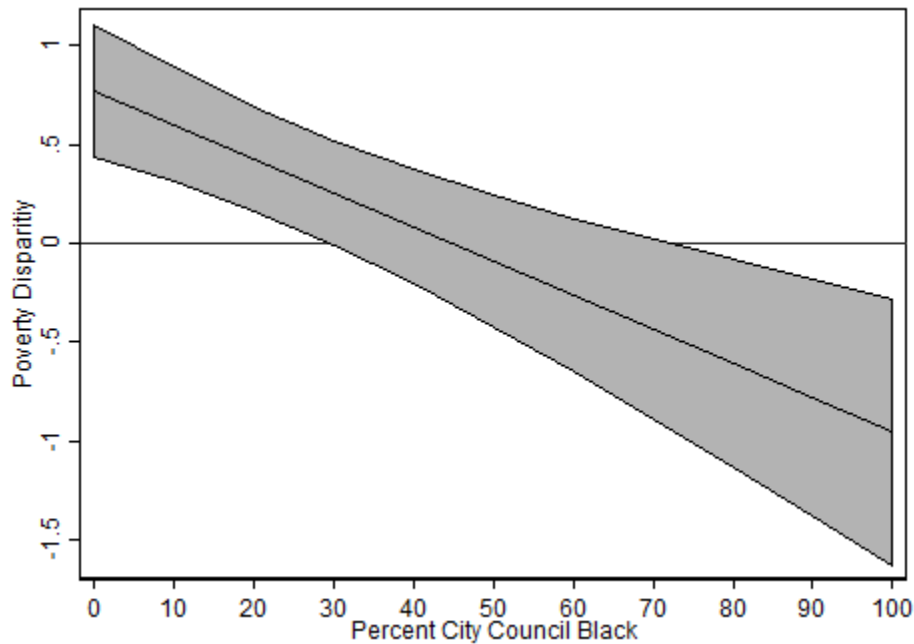


Figure 2-11: Average Marginal Effect of City Incorporation on Poverty Disparities



These figures paint an interesting relationship between Black representation and partisanship, which is in line with the results from my segregation model. While Black representation does lead to lower disparities when incorporated, much of the impact Black representatives have is in lowering the high disparities associated with localities that are White (i.e., lack Black representation), but are politically incorporated.

I see fewer convincing results for state legislatures, Black mayors, and Black House members. Not only is the interaction term for states insignificant, but it is also positive, the opposite of what was expected. Black representation at the state level has a coefficient close to zero, which is also insignificant, and state incorporation (Democratic unified control of the state) has a negative and insignificant coefficient.

I also find negative relationships for having a Black House representative and having a Black mayor, but both are insignificant. I suspect that Black House members may have a larger

effect on macro-level changes for all cities, while being less useful when trying to explain intercity differences, which are the unit of analysis in this test. I am surprised that Black mayors were not seen as having a large impact, as many scholars have found the opposite.⁸⁷ It may simply be the case that Black mayors have no effect when controlling for representatives in the legislature, have effects in different arenas, or that their impact is small in comparison to the local legislators.

I find that the legacy of poverty disparities is positively associated with contemporary disparities, demonstrating the sticky nature of disparities over time. The results suggest that institutional differences may also play a role in the reduction of racial disparities in poverty rates. State legislative professionalism has a negative and significant coefficient. Substantively, moving from the least professional to most professional state legislature would lead to reducing the disparities in your town by about 0.7, which's roughly equivalent to going from a Black rate twice the size of the White rate to parity. This provides some evidence that professionalized state legislatures may be more capable of problem-solving, and investigating a similar measure at the local level may warrant further scholarship. I will discuss later how this result speaks to future research regarding institutional effects on substantive representation. I find a positive but insignificant relationship between being in the South and poverty disparities, and a negative and insignificant relationship between Black population share and poverty disparities.

To conclude, I find broad support for my hypothesis: descriptive representation does lead to lower disparities, but only in the right political contexts (i.e., when Democrats have control of

⁸⁷ Behr, "Black and Female Municipal Employment: A Substantive Benefit of Minority Political Incorporation?"; Kerr et al., "When Does Politics Matter? A Reexamination of the Determinants of African-American and Latino Municipal Employment Patterns"; Nye, Rainer, and Stratmann, "Do Black Mayors Improve Black Relative to White Employment Outcomes? Evidence from Large US Cities."

the city and Republicans do not control the state). Interestingly, I also find that this political context without Black representatives actually exacerbates disparities. This runs contrary to the argument that it is not descriptive representation but rather partisanship that drives substantive representation. These findings provide new insight into the value of a multi-level governing approach, as well as fully conceptualizing the political conditions under which we expect descriptive representatives to provide substantive representations.

Conclusion

The descriptive representation of Blacks in the American government is a subject that has received a lot of scholarly attention, but with widely different expectations and results. My work shows that descriptive representation can be effective in not only changing political behavior, but also in creating tangible benefits for minority constituents, decreasing racial disparities that have proven to be persistent over time - under the right political circumstances. Extending the extant literature, I argue and demonstrate that investigating the link between descriptive and substantive representation requires a more in-depth and theoretical understanding of the political context around descriptive representatives. My work provides reasoning as to how multi-level governance mediates our previous understanding of political incorporation. It is not enough for descriptive representatives to be incorporated into their political organization if their political rivals can stymie their progress at a higher level of government.

Empirically, this chapter adds to our understanding of descriptive representation in two ways. First, it solves some data issues that have prevented large scale research into political incorporation at the local level. Scholars have normally used official partisanship data to determine political incorporation, facing problems at the local level given how prevalent

nonpartisan city councils are. The proposed design employs cutting edge methods from the gerrymandering literature to estimate the partisanship of the electorate in a city, then uses this data to estimate political incorporation in that city, showing a high degree of success in predicting partisan control over a test dataset. Second, using a multi-level incorporation definition, I demonstrate robust support for my hypothesis: when the political context is right, descriptive representation leads to lower disparities. Interestingly, I find that political incorporation—that is, the control of the legislature by groups we normally consider to be political allies to racial minorities, specifically the Democratic party- without Black representation leads to higher disparities in the poverty rate. This is contrary to the idea that substantive representation is tied solely to partisanship and not descriptive representation,⁸⁸ but is in line with some other scholars who have argued that White Democrats may not be the panacea for racial issues.⁸⁹

Future scholars may find it useful to continue examining this relationship, and further explore how bodies with a large number of White Democrats compare to multiracial Democratic assemblies. Similarly, future research should look into how different sets of institutions affect the importance of political constraints. For example, we know that there is a significant variation between states in the constitutional protections those states provide to their local governments. It seems reasonable to argue that cities that have a wider degree of political protection should be less likely to be limited by state interference. Lastly, future work should look into how other

⁸⁸ Swain, “Black Faces, Black Interests: The Representation of African Americans in Congress.”

⁸⁹ Clark, *Gaining Voice: The Causes and Consequences of Black Representation in the American States*; Rene R. Rocha, Natasha E. McNeely, and Carlos E. Cuellar, “How Support for Latino Candidates Encourages Municipal Reforms: Evidence from the Local Elections in America Project,” *Politics, Groups, and Identities* 3, no. 2 (2015): 335–49.

racial groups fit into this picture, as well as how the intersection of race and gender plays a role. Does increasing Hispanic representation increase or decrease the substantive representation of Blacks? Is it important for Black males to be represented by Black males? Is that dependent on the policy area? Examinations into these areas should continue to further our understanding of what mediates the link between minority representation and the provision of substantive representation.

CHAPTER 3 : DESCRIPTIVE REPRESENTATION AND AGENDA CONTROL

Introduction

The 1990 Mississippi redistricting process saw an interesting moment of bipartisanship. Black Democrats and White Republicans found themselves working together to create majority-minority legislative districts. The creation of these districts in Mississippi was intended to increase diversity in the legislature by creating districts that would likely elect Blacks. And it worked. However, despite the subsequent increase in the number of Black representatives, some expressed concerns that these new representatives wouldn't necessarily lead to drastic political changes. As an example, in a 1993 radio interview Rep. Barney Schoby (D) said, "there has been an effort to send a message to us [Black representatives], and to Black Mississippians, that no matter what your numbers in the legislature, we're going to still control things".⁹⁰ While Whites within the legislature had lost seats, they were clearly not concerned this would lead to a loss of control. White representatives knew they could keep political control despite losing votes because they still held the important positions within the legislature, and by extension, held control over the legislative agenda. While Black representatives had more collective votes, Whites within the legislature had no intention of letting them use them.

⁹⁰ Byron D'Andra Orey, L. Marvin Overby, and Christopher W. Larimer, "African-American Committee Chairs in U.S. State Legislatures*," *Social Science Quarterly* 88, no. 3 (September 1, 2007): 619–39, <https://doi.org/10.1111/j.1540-6237.2007.00475.x>.

In the previous chapter, I sought to explore under what conditions descriptive representation would lead to more equitable policy outcomes. In it, I focused on how majoritarian institutions that govern the voting process would act as a barrier to translating descriptive representation into substantive representation. This left out one important part of the discussion, however: not all issues get to be voted on. It has been said that “the most important part of the legislative decision process is the decision about which decision to consider”.⁹¹ In this chapter, I will explore how legislative agenda access, the ability to control what gets voted on, is another mediator to the link between descriptive and substantive representation. In doing so, I will explore how access to positions of institutional power with legislatures, something historically denied to racial and ethnic minorities, can be a powerful tool to advancing minority political goals.

While most studies of legislative agenda setting focus on the federal or state legislatures, I will focus on legislatures at the local level in this chapter. Moving to the local level is useful for two reasons. First, localities are an important part of the policymaking process, as I discussed in the previous chapter. Second, minorities have historically been underrepresented in positions of legislative agenda-setting power at the state and federal level, which has made investigations into positions such as majority leaders difficult. This issue is mitigated at the local level: Blacks have made more inroads into the highest level of institutional legislative agenda-setting power here. The increased number of cases allows for examinations of descriptive representation in these positions and its effect on policy outcomes.

⁹¹ Raymond Augustine Bauer, Ithiel De Sola Pool, and Lewis Anthony Dexter, *American Business and Public Policy: The Politics of Foreign Trade. With a New Prologue* (Transaction Publishers, 1972).

Literature Review

I am not the first author to discuss the importance of agenda-setting in the legislative process. Most scholars understand a political agenda as a sort of priorities list, which describes what issues we think are important and need to be discussed or fixed.⁹² However, our ability to discuss issues is not infinite, and this means by definition, some things will be on the agenda, and some things will be left off of it. And because of this, legislatures, like any other organization, must choose which problems to devote their scarce resources, such as time and attention, too. Essentially, only so much can get discussed, and only so many votes can be held, so legislatures must decide *which* issues to discuss and *what* votes to have.

How do they make these decisions on a day-to-day basis? Much of the political agenda exists as an exogenous force outside the legislatures: as problems pile up in a policy area, our attention naturally switches to this issue, and legislatures are forced to make decisions regarding it.⁹³ However, legislative institutions still play a major role in deciding which issues that have “bubbled up” actually get to the floor. Scholars have noted that these decisions are given to select members of the legislature in order to reduce chaos and enable efficient policymaking.⁹⁴ There are two types of positions scholars generally consider when examining agenda-setting power in Congress⁹⁵ and within state legislatures: committee chairs (Ellis and Wilson 2013) and

⁹² Frank R. Baumgartner and Bryan D. Jones, *Agendas and Instability in American Politics, Second Edition* (University of Chicago Press, 2010).

⁹³ Bryan D. Jones and Frank R. Baumgartner, *The Politics of Attention: How Government Prioritizes Problems* (University of Chicago Press, 2005).

⁹⁴ Gary W. Cox and Mathew D. McCubbins, *Setting the Agenda: Responsible Party Government in the U.S. House of Representatives* (Cambridge ; New York: Cambridge University Press, 2005).

⁹⁵ There are of course different agenda setting institutions in the Senate and the House. These have led scholars to generally argue that party leadership is more powerful in the House (Cox and McCubbins 2005), whereas individual committee chairs are more important to agenda setting in the Senate (Campbell et al. 2007). However, some more

party leadership.⁹⁶ In this chapter, I will focus on these positions of institutional power, specifically majority leaders, as it is in these positions that descriptive representatives can try to use agenda-setting powers to affect policy changes.

Understanding who determines the political agenda is integral to any theory of substantive representation, because substantive representation cannot be obtained if it does not first get on the agenda. Those who determine the agenda can prevent, or enable, the provision of substantive representation through their agenda-setting tools. If they oppose the substantive representation of minorities' issues, they can ensure such reforms never see the light of day, and never receive a vote. If, however, they seek to provide substantive representation, they can push these issues to the forefront of the agenda.

Party Leadership

Mitch McConnell, the former Senate Majority Leader from Kentucky, probably summed up the agenda-setting power of his position as a majority leader best. Speaking to a crowd in Kentucky, he said,

“If I’m still the majority leader of the Senate after next year, none of those things are going to pass the Senate. They won’t even be voted on. So, think of me as the Grim

recent works have begun to challenge the perceived weakness of party leadership in controlling the agenda in the Senate (Gailmand and Jenkins 2007).

⁹⁶ Cox and McCubbins, *Setting the Agenda*.

Reaper: the guy who is going to make sure that socialism doesn't land on the president's desk."⁹⁷

Now, his point here is very clear. He had the power, as the majority leader, to ensure that things he (and his caucus) did not like will not pass. But beyond that, he spoke to his power to ensure that these things do not even make it to a floor vote, because he controls the legislative agenda thanks to his position. The Majority Leader's power over the legislative agenda fits the cartel theory of legislative agenda-setting.⁹⁸ In this theory, partisan legislators in the majority cede control over the legislative agenda to their party leaders to ensure that items that may damage their party do not make it to the floor. In this way, control over the legislative agenda is cartelized under the majority party in order to limit the influence of the minority as much as possible and better the chances of the majority to pass legislation and maintain their majority status. This theory emphasizes the role of majority party leaders in denying agenda access to certain proposals, called negative agenda control, rather than being able to proactively add things to the agenda, called positive agenda control.⁹⁹ Therefore, according to this theory, the party leadership is instrumental in deciding what does not make it to the floor for a vote.

⁹⁷ Camilo Montoya-Galvez, "'Think of Me as the Grim Reaper': McConnell Vows to Thwart Democratic Proposals," *CBS*, 2019, <https://www.cbsnews.com/news/mitch-mcconnell-vows-to-be-the-grim-reaper-to-thwart-all-democratic-proposals/>.

⁹⁸ Cox and McCubbins, *Setting the Agenda*.

⁹⁹ Sean Gailmard and Jeffery A. Jenkins, "Negative Agenda Control in the Senate and House: Fingerprints of Majority Party Power," *The Journal of Politics* 69, no. 3 (2007): 689–700, <https://doi.org/10.1111/j.1468-2508.2007.00568.x>.

Others have noted that party leaders also play a role in positive agenda setting, primarily through their ability to control the information that rank-and-file members need.¹⁰⁰ This is why, for example, the Republican plan to repeal the Affordable Care Act in 2017 was kept literally under lock and key in the basements of Congress. By controlling information on the plan, party leaders hoped to control the agenda space on the issue, and although this bill would eventually fail to pass in the Senate, this example still demonstrates the enormous power of party leadership to control the legislative agenda. After all, the bill the leadership wanted got to be voted on, not the bill some maverick in the chamber would have preferred.

The importance of majority party leadership in shaping the legislative agenda in state governments is less clear. Each state legislature has its own set of institutions, which affect the level of control the party leaders have over the legislative agenda.¹⁰¹ That being said, it is generally understood that much like Congress, majority leaders in state legislatures are a very important part of forming the legislative agenda.¹⁰² For example, during the COVID-19 pandemic, Republican leadership in the Kansas House and Senate focused their caucus on rescinding a mask mandate set by their governor Laura Kelly in less than a week.¹⁰³ The

¹⁰⁰ James M. Curry, *Legislating in the Dark*, *Legislating in the Dark* (University of Chicago Press, 2009), <https://www.degruyter.com/document/doi/10.7208/9780226281858/html>.

¹⁰¹ Sarah F. Anzia and Molly C. Jackman, "Legislative Organization and the Second Face of Power: Evidence from U.S. State Legislatures," *The Journal of Politics* 75, no. 1 (2012): 210–24, <https://doi.org/10.1017/s0022381612000977>.

¹⁰² Sarah E. Anderson, Daniel M. Butler, and Laurel Harbridge, "Legislative Institutions as a Source of Party Leaders' Influence," *Legislative Studies Quarterly* 41, no. 3 (2016): 605–31, <https://doi.org/10.1111/lsq.12124>.

¹⁰³ Melissa Brunner and Kimberly Donahue, "Kansas Lawmakers Revoke Governor's New Mask Order," <https://www.wibw.com>, 2021, <https://www.wibw.com/2021/04/01/kansas-lawmakers-revoke-governors-new-mask-order/>.

governor made it very clear that she understood that because the party leadership stood against her orders, they were unlikely to last long. In an interview, she said

“Republican leadership in the legislature has sent a very loud message that it won’t stick but that doesn’t relieve me of my responsibilities as governor which is to mandate a mask for a little while longer until we can ensure we have herd immunity across the state.”

These studies demonstrate the immense power of the majority party, through its leadership, in shaping the legislative agenda at the federal level and state level.

Committee Chairs

While majority party leaders have a great deal of control over the broad legislative agenda, they are not the only members making agenda-setting decisions. In fact, one of the most important powers that majority party leaders have in controlling agenda access is their ability to choose committee chairs. State legislatures and Congress both rely on a committee system in the lawmaking process, and bills generally need to make it through committees before they can make it to the floor for a vote. These committees, each in control of a specific focus or jurisdiction, such as agriculture or natural resources, need to sign off on bills within their jurisdictions before they move forward. This means that committees have agenda control within the scope of their committee’s jurisdiction.

The most important member of these committees is the committee chair. Chairs of committees have the power to manipulate policy agendas to bring attention to their preferred issues and to squelch attention to others, effectively prioritizing certain issues for legislative purposes. Committee chairs determine which bills will make it to the committee to be voted on,

which issues will make it to hearings, and what the bills that make it through the committee will look like.¹⁰⁴ While institutions vary within state legislatures, it is generally accepted that committee chairs prioritize certain legislation, influence what bills make it to the floor (and in what form), and affect fiscal priorities, among other things.¹⁰⁵ In other words, it is generally accepted that committee chairs at the state level also have a lot of discretion in setting the legislative agenda within their policy domains.

The literature is clear here: within legislatures there are positions of influence and power which exercise a disproportionate degree of control over the legislative agenda. These positions are generally understood to be the majority party leaders and the chairs of committees (themselves generally chosen by the majority party leaders).

Local Government and Agenda control

While agenda-setting in Congress and state legislatures has been extensively studied, there is much less known about how local governments set their agendas. One notable exception, Liu et al. (2010) performed interviews of politicians in three Gulf area localities, in an attempt to understand how agenda-setting decisions were made. Importantly, Liu et al.¹⁰⁶ found that local political agendas were less likely to be affected by outside actors, such as the media or shifting public mood, showing the power of the legislatures themselves in the local legislative agenda-setting process. Their study shows both the importance of examining local-level

¹⁰⁴ Ellis and Wilson, “Minority Chairs and Congressional Attention to Minority Issues: The Effect of Descriptive Representation in Positions of Institutional Power.”

¹⁰⁵ Orey, Overby, and Larimer, “African-American Committee Chairs in U.S. State Legislatures*.”

¹⁰⁶ “Understanding Local Policymaking: Policy Elites’ Perceptions of Local Agenda Setting and Alternative Policy Selection,” *Policy Studies Journal* 38, no. 1 (2010): 69–91, <https://doi.org/10.1111/j.1541-0072.2009.00345.x>.

governance in the context of agenda setting, and the relevance of local political leaders in determining the local political agenda. This chapter seeks to remedy the lack of attention at the local level by examining local level legislative agenda setting.

Descriptive Representation in Positions of Institutional Power

Unfortunately for those interested in studying descriptive representation and positions of institutional power, these positions are not very diverse. Racial and ethnic minority representatives face a variety of discriminatory institutions and practices, which generally preclude them from reaching the higher echelons within Congress¹⁰⁷ and state legislatures.¹⁰⁸ For Blacks, the most prominent of these barriers is an anti-Black bias amongst White legislators. This bias manifests in multiple ways. Orey et al.¹⁰⁹ provide an overview of this bias and its effects. White legislators generally see Black representatives as less effective and see their electoral existence as threatening to their own electoral survival. These biases make Whites less likely to support Blacks for leadership positions or prominent committee chairmanships. And this lack of support has led to a general underrepresentation of Blacks in positions of institutional agenda-setting power.¹¹⁰ Troublingly, even as Black representation in legislatures across the country has continued to rise, there is little evidence that their presence among committee chairs

¹⁰⁷ Ellis and Wilson, “Minority Chairs and Congressional Attention to Minority Issues: The Effect of Descriptive Representation in Positions of Institutional Power.”

¹⁰⁸ Bratton and Haynie, “Agenda Setting and Legislative Success in State Legislatures: The Effects of Gender and Race”; Orey, Overby, and Larimer, “African-American Committee Chairs in U.S. State Legislatures*.”

¹⁰⁹ “African-American Committee Chairs in U.S. State Legislatures*.”

¹¹⁰ Orey, Overby, and Larimer.

or higher leadership positions has risen.¹¹¹ For example, between 1989 and 1999, the number of committee chairs who were Black (of a sample of roughly 2000 committee chairs) had only risen from 115 to 116.¹¹² Historically Blacks have been even more underrepresented in higher leadership positions. For example, in 2016, only three state legislative majority leaders were Black (roughly 3%): Chris Holden in the California State Assembly, James Clayborne in the Illinois State Senate, and Catherine Pugh in the Maryland State Senate.

In summary, while Blacks may be seeing their numbers in legislatures around the country continue to rise, they have only really entered these bodies at the ground floor. The barriers to rising within the legislatures are still strong, and this makes studying the impact of leadership positions more important. If leadership positions are necessary for the provision of substantive representation (through the access to the legislative agenda), and Black representatives are being denied access to these positions, we may falsely find that increases in Black representation in legislatures does not lead to increased substantive representation at the policy level.

The underrepresentation of minorities in leadership positions in Congress and state legislatures presents a problem for studies of descriptive representation in these positions: there are often not enough cases of Black representatives to examine them closely. This is particularly problematic for higher levels of leadership (such as party leaders), as there are fewer positions to examine.¹¹³ This is probably why there are no studies of the role of descriptive representation (for Blacks) among majority party leaders: there have only been a handful of cases where Blacks

¹¹¹ Bratton and Haynie, “Agenda Setting and Legislative Success in State Legislatures: The Effects of Gender and Race”; Orey, Overby, and Larimer, “African-American Committee Chairs in U.S. State Legislatures*.”

¹¹² Orey, Overby, and Larimer, “African-American Committee Chairs in U.S. State Legislatures*.”

¹¹³ Orey, Overby, and Larimer.

have reached the pinnacle of legislative power, and only very recently. The low levels of descriptive representation in leadership positions show why switching the level of examination to the local level is so important. There are simply far more cases of descriptive representatives holding the head legislative position in local government. Among 500 city councils examined in this project, 56 were led by Black representatives (over 10%), across 24 states. By utilizing local level representation, we can more thoroughly understand the impact leadership positions can have on the translation of Black representation into substantive representation across a larger scope of contexts.

The good news for descriptive representation theories is that there is ample evidence that descriptive representatives do seek to get substantive representation issues onto the legislative agenda. Ellis and Wilson¹¹⁴ found that when in positions of institutional power, Black representatives used these positions to get substantive representation onto the political agenda. Focusing on cases where Blacks were committee or subcommittee chairs, they found that when this was true, more hearings were held on minority issues. Therefore, while Black representation among majority leaders and committee chairs is a generally rare phenomenon, there is sufficient reason to think that once we see descriptive representatives in these positions, they will use the powers associated with these offices to forward substantive representation causes.

Theory

In the previous chapter, I demonstrated how important political incorporation is for descriptive representatives to affect policymaking. Once descriptive representatives are

¹¹⁴ “Minority Chairs and Congressional Attention to Minority Issues: The Effect of Descriptive Representation in Positions of Institutional Power,” *Social Science Quarterly* 94, no. 5 (2013): 1207–21, <https://doi.org/10.1111/ssqu.12023>.

incorporated - what would explain the observed variance in substantive representation? In this section, I build on the findings of Chapter 2 and propose a theory that links descriptive representation to substantive representation accounting for both political incorporation and leadership positions. I look closely at the cases when political incorporation is secured, as a necessary condition for substantive representation, and argue that two factors will affect the outcome: sufficient numbers of descriptive representatives and their control over the legislative agenda.

I treat political incorporation as a necessary condition for substantive representation for two reasons. First, as I discussed and found in the previous chapter, descriptive representatives who are not incorporated will not be able to affect policy outcomes, as majoritarian voting institutions will bar them from passing legislation and affecting policies. Second, when considering agenda-setting powers, the role of incorporation becomes more important. When descriptive representatives lack political incorporation, they also lack agenda control, which will act as another hard barrier to changing policy. Without the political majority to pass legislation and faced with political opposition denying agenda access, descriptive representatives have no real ability to change policy.

Once this necessary condition is met, having sufficient numbers and occupying agenda controlling positions will become crucial. I argue, in line with the previous chapter, that descriptive representatives will have more voting power as their share in the legislature increases, and therefore will be more able to affect policy. However, this is moderated by the ability of descriptive representatives to control the agenda. If descriptive representatives are politically incorporated (i.e., Democrats are in the majority), but they do not have agenda

control, they can find their priorities sidelined for other issues. In this way, lacking agenda control acts as a barrier between translating descriptive representation into substantive representation. Without controlling the legislative agenda, descriptive representatives can see their priorities actively denied floor access by hostile political forces, or see their initiatives simply sidelined for other priorities of their party.

The effect of descriptive representatives' voting power and agenda control will be reinforced when both are present in the same legislative situation. While having agenda control is beneficial to the provision of substantive representation, it is not sufficient. Agenda control ensures access to the floor, but legislatures still operate as majoritarian institutions when deciding whether to pass these initiatives. Similarly, if the descriptive representatives have enough votes, but the things they want to vote on rarely make it to the floor, that diminishes their power to affect policy. Therefore, while more voting power will not be as useful if other members can keep substantively important policy changes from reaching the floor, neither will agenda control be useful if the issues these members bring to the floor get voted down. This means that voting power forms an interactive reinforcing relationship with agenda access.

Hypothesis 1: When Black representative have agenda control, adding more Black representatives will increase substantive representation

Methodology

To examine this relationship, I employ the hierarchal linear models specified below, using state random effects.

Poverty Model: Poverty Disparities = Legacy Disparity + State Black Representation + City Black Representation + Black Speaker + City Black Representation * Black

Speaker + Black House Rep. + State Professionalism + Black Mayor + South + Black Population Share + State Random Effects

*Segregation Model: Poverty Disparities = Legacy Disparity + State Black Representation + City Black Representation + Black Speaker + Black House Rep. + City Black Representation * Black Speaker + Black House Rep. + State Professionalism + Black Mayor + South + White Population Share + White Poverty Rate + State Random Effects*

In this section, I will discuss the cases I examine to test my hypothesis, as well as the new measures used in this chapter. I will test my theory on two measures of policy disparities, both discussed in the previous chapter: residential segregation and poverty rates.

I will test my theory using local level legislatures. I focus on local level legislatures for three reasons. First, there has been extensive study of the relationship of descriptive representatives and positions of agenda-setting power at the state and federal level, but very little focus in local level legislatures. Second, as discussed in the previous chapter, local governments are an important venue for the provision of substantive representation in policy outcomes as they can often tailor policy responses to specific communities in a way higher levels of government cannot. Third, by shifting to the local level, I can expand the number of cases available, allowing for a more robust statistical analysis.

Having already established the importance of incorporation, I will only examine those localities that fit in the definition of political incorporation used in the previous chapter. To be incorporated, these localities need to have a Democratic majority in their city council and exist in a state which does not have a unified Republican government. I subset my data in this way as my theory and the findings in my previous chapter show that incorporation is a necessary condition for translating descriptive into substantive representation. This approach allows me to explain differences among the cities where descriptive representatives have achieved political

incorporation. Table 3-1 shows the descriptive statistics for the incorporation variable from the universe of 500 cases, but recall it is only the cases where incorporation occurs that will be included in the models for this chapter.¹¹⁵ By examining only the cases where incorporation occurs, this leaves me with 182 cases, out of the 399 cases where I had incorporation data (most of this missingness was due to the method used to code local partisanship described in the previous chapter).

Table 3-1: Incorporation of Cities from Universe of Cases

Variable	Total	Yes	No	Missing	Mean
Incorporation	500	182	217	101	0.46

Legislative Agenda Control

In order to test my hypothesis, I first need to measure if Black representatives have agenda control. This poses the question: how do you measure agenda control? A comprehensive understanding of agenda control would prove incredibly difficult of course. The agenda is controlled by a myriad of different external and internal forces,¹¹⁶ making it nearly impossible to definitively say who controls the agenda and how much. Most studies of legislative agenda-setting, and particularly those examining who controls floor access, have focused on positions of institutional power within the legislature to understand which members have agenda control and which do not. Previous studies at the federal level have benefitted from examining a stable and consistent set of institutions that clearly delineate control over floor access to certain members,

¹¹⁵ Note that these statistics presented in this section are slightly different than those from the previous chapter. These are descriptive statistics from the new universe of cases (the 182 where incorporation conditions are met).

¹¹⁶ Baumgartner and Jones, *Agendas and Instability in American Politics*, Second Edition.

namely the majority party leadership and committee chairs.¹¹⁷ While focusing on these positions of institutional agenda control may miss members who have persuasive or behind the scenes power over the agenda, it is useful in that it clearly identifies those who do have some control over the agenda. Nobody denies that the Majority Leader in the Senate or the Speaker of the House have immense control over what gets voted on because the rules very clearly give those powers to these individuals.

An institutional examination of agenda control among different subnational units quickly runs into an issue of different rules for different legislatures. Scholars examining agenda control at the state level solve this issue by making basic assumptions about legislatures. In general, they assume that the majority party leadership (i.e. positions such as Speakers or Majority Leaders), and committee chairs can control the agenda.¹¹⁸ While studies have pointed out there is variance in how much control such members have, it is a common practice to accept that those in such positions have a large degree of legislative agenda control. These assumptions are not baseless. Someone has to control the agenda, it being the leaders of such institutions makes sense because it is in the interest of the majority to exert unified control of the agenda to achieve their collective goals.¹¹⁹

How does this translate to the local context? Following previous research, I assume that those in leadership positions, namely the head of the local legislature, have control over the

¹¹⁷ Bratton and Haynie, “Agenda Setting and Legislative Success in State Legislatures: The Effects of Gender and Race”; Orey, Overby, and Larimer, “African-American Committee Chairs in U.S. State Legislatures*.”

¹¹⁸ Ellis and Wilson, “Minority Chairs and Congressional Attention to Minority Issues: The Effect of Descriptive Representation in Positions of Institutional Power.”

¹¹⁹ Cox and McCubbins, *Setting the Agenda*.

legislative agenda. These leadership positions go by a variety of names: Speaker, President, Mayor,¹²⁰ and Chairman, among others. For this chapter, I will refer to all of these positions collectively as Speakers.

Many local charters back up the assumption that these members have agenda control, and specifically delineate their legislative head as leading their agenda. For example:

Section 2 of the Minneapolis local charter lists the duties of the President of the city council.

The first listed duty is to:

Have principal supervision over the City Council docket and direct the preparation of an agenda for each of its meetings

Rule 5.2.c of the San Diego local charter lists the duty of the President of the council as

Manage the docketing process and identify which items should be docketed, placed on the consent agenda, or referred to committee.

Rection 2-60 Rule 3 of the Phoenix local charter lists the rules for setting the agenda during policy and work meetings:

The policy and work study session agendas shall be prepared as follows:

a. The agenda shall be set by the Mayor, provided that an item may be placed on the agenda upon the written request of four Council members.

¹²⁰ In this instance, I am referring only to those mayors that are also members of the city council. Mayors who are not part of the legislative branch are not counted in my Speaker variable.

Furthermore, a sample of local charters from Chicago, Tampa, Durham, Kansas City, Orlando, and San Francisco all name their speakers the presiding officers over all meetings.

I focus on head positions rather than committee chairs because the institutional variance among local legislatures makes examining committee chairs impossible. First, many local legislatures do not have a committee system, and among those that do there is a staggering degree of variance in the number and rules governing these committees. For example, the city of New York (NY) has nearly 40 different committees, while the city of Chicago (IL) only has around 20, and Denver (CO) only has 5. It would be practically impossible to determine which members would have agenda control among the various committees across different legislatures for any single policy issue. Moving to the heads of the councils is useful because almost all councils have some form of delineated leaders. Additionally, it is often the heads of legislatures that pick which members go on which committees.¹²¹ In this way, the agenda control exerted by committee heads is influenced by the head of the legislature, minimizing the costs of not examining them directly.

Therefore, I coded agenda control for Black representatives in each city using the race of their Speaker. Speakers of city councils were found using the same methods that were described in the previous chapter for regular members, mostly through internet records. I identified which member was the Speaker of the council using the titles for these positions from the following list: Speaker, President, Mayor (only if also a voting member of the city council), Chairman, Head, Majority Leader, Chief. Cities were coded as 0 if their Speaker was White and 1 if their Speaker

¹²¹ Ellis and Wilson, "Minority Chairs and Congressional Attention to Minority Issues: The Effect of Descriptive Representation in Positions of Institutional Power."

was Black. Cities that had a Speaker of another race, or who didn't have a position clearly delineated as the head of the legislature were dropped (a total of 30 cases). Table 3-2 shows the descriptive statistics for the Speaker and city council variables.

Table 3-2: Descriptive Statistics for Representation Variables

Variable	N	Min	Max	Mean	Std. Dev.
Black Speaker	152	0	1	0.11	0.32
Percent City Council Black	152	0	88.88	15.50	21.49

Other Variables

In line with the models in my previous chapter, I control for the legacy of disparities, having a Black House Rep., and being in the South in both models. When examining poverty disparities, I control for the Black population share in the city. When examining residential segregation, I control for the White population share and the White poverty rate. Each of these variables uses the specification outlined in the previous chapter.

Table 3-3 shows the descriptive statistics for these variables using the new specifications for this chapter (namely, that I only examine those cases where descriptive representatives are incorporated).

Table 3-3: Descriptive Statistics for Relevant Variables

Variable	N	Min	Max	Mean	Std. Dev.
Poverty Rate Ratio	152	0.22	7.94	2.36	1.17
Segregation Score	152	0.84	9.20	3.61	1.60
Legacy Poverty Rate Ratio	152	39.87	20.75	0.77	83.97
Legacy Segregation Score	152	60.38	25.51	2.51	97.28
Black House Rep.	152	0	1	0.24	0.15
South	152	0	1	0.24	0.15
Black Pop. Share	152	1.06	72.31	11.42	12.85
White Population Share	152	01.40	89.20	43.86	21.19
White Poverty Rate	152	0.03	0.33	0.12	0.06

Results

In the following section, I discuss the results of running the hierarchical linear models. I begin with a short description of the results from both models, and then I will discuss the marginal effect and predicted value plots from the segregation interaction. Table 3-4 shows the results of the poverty rate and segregation model.

Table 3-4: HLM predicting disparities

	Segregation Model	Poverty Rate Model
Legacy	0.228*** (0.013)	0.164** (0.056)
Percent State Leg. Black	-0.199*** (0.053)	-0.0136 (0.026)
Percent City Council Black	-0.054** (0.045)	-0.123* (0.006)
Black Speaker	-10.513*** (2.367)	0.003 (0.644)
Black Speaker * Percent City Council Black	0.176*** (0.045)	-0.005 (0.011)
Black House Rep	1.824 (1.763)	0.317 (0.799)
State Leg. Professionalism	-0.050 (0.034)	-0.004 (0.007)
South	0.083 (0.817)	-0.090 (0.449)
Black Population Share	- -	0.828 (1.200)
White Population Share	77.395*** (1.664)	-
White Poverty Rate	7.604 (4.254)	-
Constant	-5.599*** (1.752)	2.223*** (0.510)
State RE	Yes	Yes
N	152	152
Overall R-Square	0.95	0.21

* Standard errors in parentheses. * p<0.05, ** p<0.01, *** p<0.001

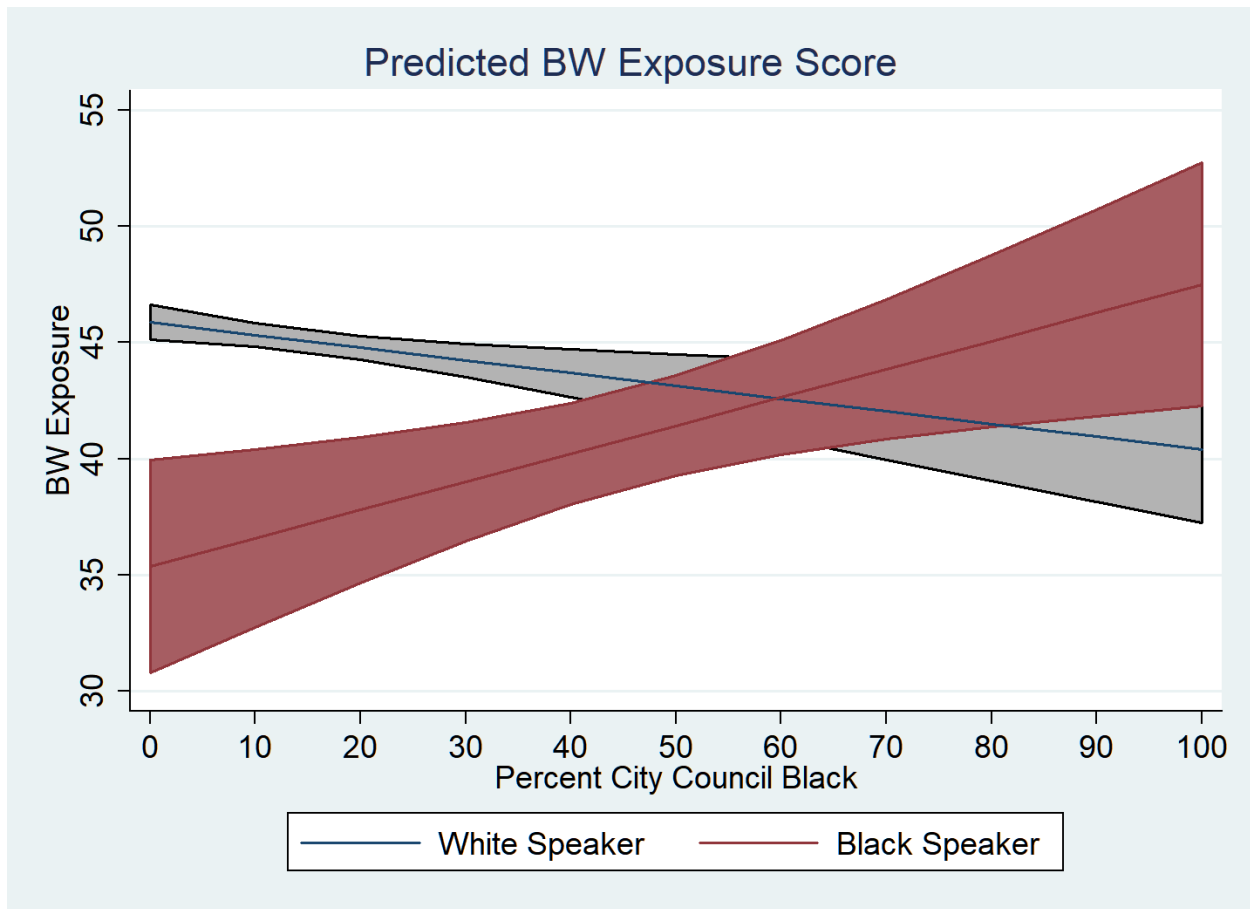
The relevance of descriptive representation at the state and local level is very different between these models. For poverty rates, I only find that local descriptive representation has a

significant negative effect¹²². State representation, having a Black Speaker, and the interaction effect between Black leadership and Black council share are all insignificant. Thus, I find no support for my expectations when examining poverty disparities.

For residential segregation, however, I find more support for my hypothesis. I find that Black representation at the state and local level and in leadership positions are all significant; however, they are all negative. This means that greater Black representation and having Black leadership, on their own, are both associated with more segregation. The interaction between local leadership and local representation, however, is positive, significant, and substantively large, as predicted by my theory. When there is a Black speaker, the impact of each additional Black member on the council is significantly associated with lower residential segregation. This effect is quite large: moving from the lowest level of local Black representation to the highest (0 to 88 percent) leads to an increase in about 11 points in my segregation measure (Black-White exposure). Put in real-world terms, this means the average Black resident lives in a community that is 11% more White than one in the city with the lowest representation. In order to better demonstrate this relationship, Figure 3-1 and Figure 3-2 show the predicted segregation score for cities across different levels of Black representation depending on the Black leadership and the marginal effect of adding Black members, respectively.

¹²² Remember that this variable is interacted with the leadership variable, meaning only when there is no Black leader does having more Black members associate with worse disparities.

Figure 3-1: Predicted BW Exposure Score



In Figure 3-1, we can see that when the Speaker is White there is a slight negative effect of adding Black representation. When the Speaker is Black, we see that the segregation score starts quite low, but rises rapidly. The slight negative relationship under White leadership indicates that without descriptive leadership, additional Black members lead to worse outcomes, perhaps due to a backlash effect. Furthermore, the low starting positions for the Black speaker line indicated that Black leaders without Black members lead to much worse outcomes than White leaders without Black members. It appears that agenda-setting power without the votes to back it up leads to worse outcomes, also potentially pointing towards a backlash effect. My

hypothesis predicted that Black members would lead to substantive representation when they have Black leadership to control the agenda. The steep and positive sloop of the Black speaker line provides strong evidence for this. It does appear, in the case of residential segregation, that the impact of additional Black members is larger when they have Black leadership who can remove the agenda setting barriers to floor access.

Figure 3-2: Marginal Effect of Local Level Representation on BW Exposure Score

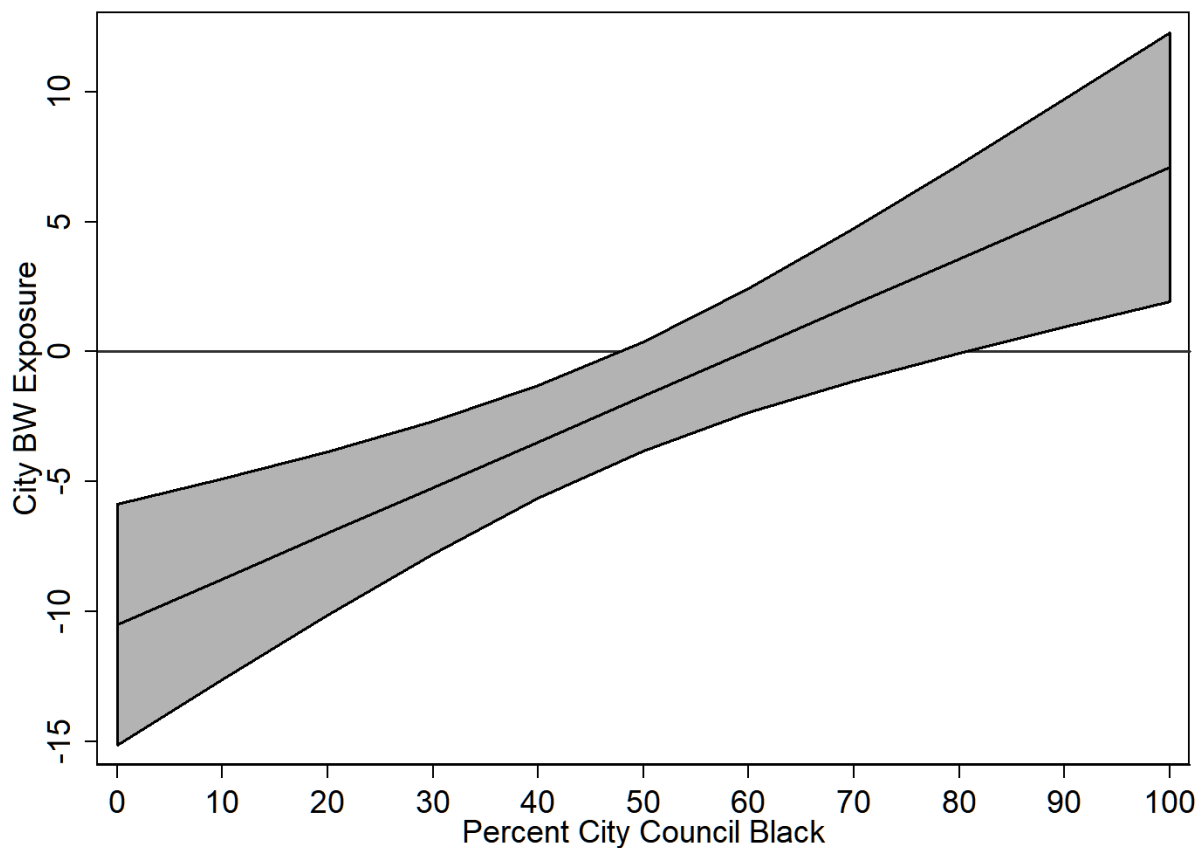


Figure 3-2 shows the marginal effect of adding Black members (relative to the size of the council), depending on the presence of Black leadership. Here again we see a steep positive sloop, demonstrating that adding Black members leads to lower disparities, but only when coupled with Black leaders.

In both the poverty and segregation models, I find that the legacy of disparities is significant and positive. This conforms to our understanding of policymaking discussed in the previous chapter; specifically, that policy outcomes are sticky over time. For segregation rates, I find a positive and very large effect for the White population share, but this was expected: the exposure of Blacks to Whites should go up when there are more Whites in the city. I found no significant effect for state legislative professionalism, being in the South, having a Black House Rep., the Black population share, or the White poverty rate, in either model.

Overall, these findings are mixed. I find no significant results in support of my hypothesis in the poverty rate model. In the segregation model, I find significant and strong evidence to support my hypothesis.

Conclusion

What might explain the mixed results found here? Furthermore, what might explain the negative impact of Black leadership and Black membership on their own?

I theorized that leadership and voting power, when combined, were beneficial to the provision of substantive representation. I argued that Black members would be more able to bring about substantive representation when they had Black leadership to help keep their priorities on the agenda. I also argued that Black leaders would be more able to furnish substantive representation when they had other Black members to help their votes pass. The results point towards this relationship being both reinforcing and dependent. Black leaders without Black members and Black members without Black leaders are not only unable to furnish substantive representation, but might be associated with worse outcomes. These findings are consistent with a racial backlash effect. If the power of Black members increases, either through

the acquisition of more seats, or their presence in positions of leadership, but they lack the political conditions to effectively alter policy, this power leads to worse outcomes.

There are many questions this chapter has not answered that will provide fertile ground for future studies. For example, future studies may try to comprehensively consider different institutions at the local level. Different local governmental charters have numerous differences regarding bill introduction, committee systems, the integration of partisanship, and mayoral powers – all of which could help us better understand where agenda power rests. For example, beyond simply examining agenda-setting power, it might prove important to understand how controlling key veto points in the legislative process is important to the provision of substantive representation. Furthermore, this chapter, and this book, has only considered the Black-White dyadic relationship. Trying to understand how other minority groups factor into this story, particularly in localities with a large population of non-White non-Black groups, could provide new insights. How might a member of a different minority group in a leadership position unlock, or potentially depress, the power of Black representatives? Finally, there is a lot of fertile ground in examining the role of leadership positions for different intersectional groups. Are Black male and Black female heads of legislatures equal in how well they translate the voting power of Black members? Do they allocate agenda space to different issues?

The theory and test presented in this chapter have sought to expand our understanding of the conditions under which descriptive representatives can provide substantive representation in the lived experience of their constituents. While chapter 2 examined the partisan context under which descriptive representatives win votes, this chapter asked whether they could effectively get such measures to a vote. I started with a simple observation that not all members of a

legislature have the same influence over decisions, and historically such positions of power have been systematically denied to Black representatives. Expanding on the existing literature, I proposed a theory that accounted for both the partisan context and agenda access as conditions for successfully translating descriptive into substantive representation. I tested this theory by examining local legislatures, an under-studied level of government, especially in regards to legislative agenda-setting. I found mixed but promising results. When examining segregation, I found strong evidence supporting the role of Blacks in positions of institutional power as a necessary condition for linking descriptive to substantive representation. When Black representatives are both present in substantial numbers and occupy leadership positions, they maximize their ability to deliver improvements in the policy outcomes, specifically housing segregation experienced by the Black constituents.

CHAPTER 4 : DESCRIPTIVE REPRESENTATION AMONG DISTRICT ATTORNEYS

Introduction

In 2018 there was a particularly interesting primary for the 16th Prosecutorial District in the state of North Carolina. The district is based primarily in the city of Durham, a liberal majority-minority city, and the incumbent District Attorney (DA) Roger Echols was being challenged by Satana Deberry. Deberry, a Black woman, was running on a platform emblematic of a new breed of progressive candidates that have come about in the past few years: focused on using the discretion afforded the District Attorney's office, previously used to promote tough on crime policies, to advance racial equity in the criminal justice system. Specifically, she promised to shift focus from severely punishing petty crimes, rebuild trust between the criminal justice system and the local community, prosecute cases of police misconduct, increase transparency, and address racial biases. Running on a platform of addressing racial biases in this district would be surprising to descriptive representation scholars though, as the Police Chief, Senior Trial Judge, Chief Public Defender, and the incumbent District Attorney were all Black as well. With this much descriptive representation, scholars might predict that racial equity was already a policy focus in the district. However, Deberry firmly positioned herself as the racial justice candidate by credibly claiming that the incumbent, while not a staunch opponent to racial equity in the criminal justice system, simply hadn't done enough. Speaking in an interview, Deberry said "Individually, they'd all say the system is screwed up, but they've been trained to work a

certain way in the system, and the system is racist”.¹²³ Satana is not the only example of a Black woman running for District Attorney to address systematic racial inequalities: Aramis Ayala in Florida, Kim Foxx in Illinois, and Rachel Rollins in Massachusetts are all members of a relatively new cadre of progressive District Attorneys, who, in stark contrast to their primarily White and male colleagues, are Black women. This example begs the question, what role is race and gender playing in representation? Are Black men and Black women systematically different when it comes to providing substantive representation?

In chapters 2 and 3, I examined the role of constrained descriptive representation in state and local legislatures in reducing disparities in 2 policy areas: poverty rates and residential segregation. In this chapter, I will examine a different set of representatives in yet another policy area, one inextricably linked to the presence of the two incomparable experiences of White and Black America that the Kerner Commission highlighted: the criminal justice system. Racial disparities in the criminal justice system are widely documented, from low-level interactions such as traffic stops¹²⁴ to capital punishment,¹²⁵ and the effects of these disparities pervade throughout the Black experience in America. Given the importance of criminal justice disparities to racial inequality, these disparities are particularly useful to examine in the lens of descriptive representation. We should expect descriptive representatives to focus their attention

¹²³ Courtesy of Satana Neff, “How Prosecutor Reform Is Shaking Up Small DA Races,” The Marshall Project, May 2, 2018, <https://www.themarshallproject.org/2018/05/01/how-prosecutor-reform-is-shaking-up-small-da-races>.

¹²⁴ Charles R. Epp, Steven Maynard-Moody, and Donald P. Haider-Markel, *Pulled Over: How Police Stops Define Race and Citizenship* (University of Chicago Press, 2014); Frank R. Baumgartner, Derek A. Epp, and Kelsey Shoub, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race* (Cambridge University Press, 2018).

¹²⁵ Frank R. Baumgartner, Suzanna L. De Boef, and Amber E. Boydstun, *The Decline of the Death Penalty and the Discovery of Innocence* (Cambridge University Press, 2008).

on these disparities, as they represent a quintessential racial issue.¹²⁶ Furthermore, these disparities are highly gendered, providing a uniquely interesting case for examining how male and female representatives differ.

In this chapter, I will examine how District Attorneys can impact disparities in incarceration rates. In doing so, I seek to answer the following question: *What role does gender play in the relationship between substantive and racial descriptive representation?*

To answer this question, I utilize existing theories of intersectional stereotyping to develop a theory of intersectional representation. In this, I argue that Black men and Black women have different stereotypes associated with them. These differing stereotypes lead to different expectations about how these individuals may act, and how they can sell themselves to voters. Black men, due to their male identity, will have the opportunity to sell themselves as tough on crime District Attorneys. Black women will not be afforded the same luxury, and because of this have historically been excluded from these positions. However, recent changes in the political context have allowed Black women to fill a new niche as progressive changers of the status quo. Because of this, Black men, who have primarily entered District Attorney positions on tough-on-crime slates will be associated with worse disparities than Black women who have entered the field as progressives.

District Attorneys represent an incredibly compelling case for examining this puzzle because of their role in this policy area. They enjoy broad discretion in the application of their powers, which allows them to change the status quo towards or away from racial equity. District

¹²⁶ Preuhs, “The Conditional Effects of Minority Descriptive Representation: Black Legislators and Policy Influence in the American States.”

Attorneys have broad prosecutorial discretion to determine who to charge, what crimes to charge them with, which plea bargains to offer, and which punishments to seek. Unlike the legislatures studied in my previous chapters, they are an example of an executive position, making examining multiple identities much easier. Furthermore, they are an elected position that has seen an interesting trend of Black female candidates specifically seeking racial justice in recent years.

In this chapter, I employ two separate tests of my theory. First, I do a small and focused examination of District Attorneys in North Carolina, examining data from the Administrative Office of the Courts to see who is getting sent to prison. In this test, I can test how changing the race and gender of the District Attorney changes disparities in incarceration rates within the same district. I then use a novel dataset covering almost 600 District Attorneys, in conjunction with data from the Census, the Vera Institute, and the Women Donor's Network, to do a broader cross-sectional examination of District Attorneys across the US. In line with my expectations, I find compelling evidence that descriptive representation does operate across race and gender. While incarceration is primarily an issue affecting Black men, these incarceration disparities are reduced most by Black female District Attorneys.

Literature Review

Disparities in the Criminal Justice System

There is a renewed public interest in racial disparities in the criminal justice system after a series of high-profile police shootings of unarmed Black men in recent years. This interest has been marked by a series of demonstrations, both peaceful and otherwise, but the disparities themselves, and the civil unrest they spark, are not new. The Kerner Commission in the 1960s

documented how “commonly sparked by repressive and violent police actions, urban uprisings were political acts of self-defense and racial liberation on a mass, public scale. Legislative successes at the federal level with the Civil Rights and Voting Rights Acts were not reflected in the daily lives of African-Americans facing police misconduct, economic inequality, segregated housing, and inferior educations.” Over 60 years ago, Americans were discussing how racial disparities, and the lack of concrete action to combat them, was a severe problem in America. We have not sufficiently addressed this question even today.

Racial disparities in the modern criminal justice system, particularly those disadvantageous to Blacks, are severe and well documented. Studies have shown that Blacks are more likely to face increased scrutiny and be searched in low-level police interactions,¹²⁷ more likely to receive harsher punishments from judges,¹²⁸ and more likely to receive the death penalty in capital cases.¹²⁹ The criminal code is sometimes intentionally used to target African American communities. For example, sentences for possession of crack, a drug more commonly used by Blacks, are much higher than sentences for possession of cocaine, a drug more commonly used by more affluent Whites. In addition to high-level drug sentencing decisions,

¹²⁷ Epp, Maynard-Moody, and Haider-Markel, *Pulled Over*; Baumgartner, Epp, and Shoub, *Suspect Citizens*.

¹²⁸ David S. Abrams, Marianne Bertrand, and Sendhil Mullainathan, “Do Judges Vary in Their Treatment of Race?,” *The Journal of Legal Studies* 41, no. 2 (June 1, 2012): 347–83, <https://doi.org/10.1086/666006>.

¹²⁹ Baumgartner, Boef, and Boydston, *The Decline of the Death Penalty and the Discovery of Innocence*; Nick Petersen, “Examining the Sources of Racial Bias in Potentially Capital Cases: A Case Study of Police and Prosecutorial Discretion,” *Race and Justice* 7, no. 1 (2017): 7–34, <https://doi.org/10.1177/2153368716645842>.

investigations have shown that Blacks, in some cities such as Ferguson, are specifically targeted for low-level infractions as a revenue source.¹³⁰

In this chapter, I will focus on one of the most far-reaching and consequential criminal justice disparities: Blacks are more likely than Whites to be incarcerated.¹³¹ This disparity largely stems from two facts: Blacks are more likely to be convicted of crimes and to receive harsher sentencing for those crimes.¹³² While incarceration disparities have existed in the American criminal justice system since its invention, modern disparities are far worse, due to intentional political decisions. Starting around the 1990s, an emphasis on being “Tough on Crime” lead to policies that would jump-start the mass incarceration system we have today.¹³³ For example, mandatory minimum sentencing laws and drug criminalization has led to a ballooning prison population that is increasingly comprised of racial and ethnic minorities.¹³⁴ Because policy decisions largely cause these disparities, it is within the realm of politics and descriptive representation to change them.

¹³⁰ Department of Justice, “Justice Department Announces Findings of Two Civil Rights Investigations in Ferguson, Missouri,” March 4, 2015, <https://www.justice.gov/opa/pr/justice-department-announces-findings-two-civil-rights-investigations-ferguson-missouri>.

¹³¹ Marc Mauer and Ryan S. King, “Uneven Justice: State Rates of Incarceration by Race and Ethnicity,” 2007; Becky Pettit and Bruce Western, “Mass Imprisonment and the Life Course: Race and Class Inequality in US Incarceration,” *American Sociological Review* 69, no. 2 (2004): 151–69.

¹³² Kathleen Daly and Michael Tonry, “Gender, Race, and Sentencing,” *Crime and Justice* 22 (1997): 201–52; Jill K. Doerner and Stephen Demuth, “The Independent and Joint Effects of Race/Ethnicity, Gender, and Age on Sentencing Outcomes in U.S. Federal Courts,” *Justice Quarterly* 27, no. 1 (February 1, 2010): 1–27, <https://doi.org/10.1080/07418820902926197>; Darrell Steffensmeier, Jeffery Ulmer, and John Kramer, “The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male,” *Criminology* 36, no. 4 (1998): 763–98.

¹³³ Alexander, *The New Jim Crow*.

¹³⁴ Mauer and King, “Uneven Justice.”

The Far-Reaching Consequences of the Mass Incarceration System

Disparities in the criminal justice system have severe consequences for those incarcerated, and have spillover effects for their communities. Far beyond being a limitation on one's liberty, incarceration has broader short-term implications and long-term consequences for individuals, assuming they ever leave prison (something less likely due to the advent of life without parole sentencing). While incarcerated, individuals are forced to work for no pay (some states do pay prisoners, but generally for pennies an hour),¹³⁵ typically have poor access to healthcare,¹³⁶ and have little to no contact with their friends or family. Once incarcerated individuals leave prison their trials and tribulations are not over. They face restrictions to their voting rights and other barriers to civic participation,¹³⁷ worse health prospects,¹³⁸ employment barriers,¹³⁹ and an increased likelihood of going back to prison.¹⁴⁰ This creates a system where

¹³⁵ Alexander, *The New Jim Crow*; Katherine E. Leung, "Prison Labor as a Lawful Form of Race Discrimination," *Harvard Civil Rights - Civil Liberties Law Review*; *Cambridge* 53, no. 2 (Fall 2018): 681.

¹³⁶ Michael Massoglia, "Incarceration, Health, and Racial Disparities in Health," *Law & Society Review* 42, no. 2 (2008): 275–306, <https://doi.org/10.1111/j.1540-5893.2008.00342.x>.

¹³⁷ Alan S. Gerber et al., "Does Incarceration Reduce Voting? Evidence about the Political Consequences of Spending Time in Prison," *The Journal of Politics* 79, no. 4 (July 19, 2017): 1130–46, <https://doi.org/10.1086/692670>.

¹³⁸ Catherine G. Magee et al., "Preventive Care for Women in Prison: A Qualitative Community Health Assessment of the Papanicolaou Test and Follow-Up Treatment at a California State Women's Prison," *American Journal of Public Health* 95, no. 10 (October 1, 2005): 1712, <https://doi.org/10.2105/AJPH.2005.063677>; Roger Watson, Anne Stimpson, and Tony Hostick, "Prison Health Care: A Review of the Literature," *International Journal of Nursing Studies* 41, no. 2 (January 1, 2004): 119–28, [https://doi.org/10.1016/S0020-7489\(03\)00128-7](https://doi.org/10.1016/S0020-7489(03)00128-7).

¹³⁹ Amanda D. Emmert, "Doing Time and the Unemployment Line: The Impact of Incarceration on Ex-Inmates' Employment Outcomes," *Crime & Delinquency* 65, no. 5 (May 1, 2019): 705–28, <https://doi.org/10.1177/0011128718779363>.

¹⁴⁰ Robert D. Crutchfield et al., "Racial Disparities in Early Criminal Justice Involvement," *Race and Social Problems* 1, no. 4 (December 11, 2009): 218–30, <https://doi.org/10.1007/s12552-009-9018-y>; Cody Warner, "Home Again, Home Again: Incarceration, Residential Mobility, and Neighborhood Destinations" (Ph.D., United States -- Pennsylvania, The Pennsylvania State University, 2013), <http://search.proquest.com/docview/1733665618/abstract/FBEA85869C684F2FPQ/1>.

once a person is incarcerated, they are very unlikely to ever fully reenter society, even after their “debt to society” has nominally been paid. In many ways, the incarcerated are treated as one of the few de jure¹⁴¹ second class citizens in modern America, and this classification follows the incarcerated for the rest of their lives.

The plight of incarceration is not only felt by those that are incarcerated, but extends into their social circles and communities. Families of the incarcerated are less likely to vote,¹⁴² face stymied intergenerational social and economic mobility,¹⁴³ as well as the need to deal with the emotional toll of being separated from a loved one. These are spouses, children, and friends who are left to pick up the pieces when someone is removed from society. These are spouses, children, and friends who are paying the price of the mass incarceration system. These disparities go farther than the immediate family and social circle of the individual. Communities with high incarceration rates face a variety of public health problems,¹⁴⁴ entrenched segregation

¹⁴¹ In fact, they are the only group of people who are legally allowed to be enslaved due to a clause in the 13th Amendment. They also lack federal protection to their voting rights.

¹⁴² Hedwig Lee, Lauren C. Porter, and Megan Comfort, “Consequences of Family Member Incarceration: Impacts on Civic Participation and Perceptions of the Legitimacy and Fairness of Government,” *The ANNALS of the American Academy of Political and Social Science* 651, no. 1 (January 1, 2014): 44–73, <https://doi.org/10.1177/0002716213502920>; Naomi F. Sugie, “Chilling Effects: Diminished Political Participation among Partners of Formerly Incarcerated Men,” *Social Problems* 62, no. 4 (2015): 550–71.

¹⁴³ Marcus Lee Shaw, “The Effect of Parental Incarceration on Intergenerational Educational Mobility” (M.A., United States -- California, University of California, Merced, 2015), <http://search.proquest.com/docview/1707615964/abstract/EEB0E7E83F0C4CA9PQ/1>; Marcus Lee Shaw, “Understanding the Intergenerational Effects of Mass Incarceration: A Mixed Methods Study Utilizing Multigenerational Data and In Depth Qualitative Interviews” (eScholarship, University of California, 2018).

¹⁴⁴ Mark L. Hatzenbuehler et al., “The Collateral Damage of Mass Incarceration: Risk of Psychiatric Morbidity Among Nonincarcerated Residents of High-Incarceration Neighborhoods,” *American Journal of Public Health* 105, no. 1 (November 13, 2014): 138–43, <https://doi.org/10.2105/AJPH.2014.302184>; James C. Thomas and Elizabeth Torrone, “Incarceration as Forced Migration: Effects on Selected Community Health Outcomes,” *American Journal of Public Health* 96, no. 10 (October 2006): 1762–65, <https://doi.org/10.2105/AJPH.2005.081760>.

and poverty,¹⁴⁵ a higher crime rate, and lowered prospects for community youth.¹⁴⁶ The racial disparities in criminal justice cannot be thought of as only affecting those incarcerated; the mass incarceration system reverberates through the Black community, perpetuating systemic injustice through time.

Mass Incarceration and Gender

It is impossible to thoroughly discuss the mass incarceration system without a discussion of its differential impact on gender. The criminal justice system does not impact men and women in the same way. In many ways, Black men are more directly affected by criminal justice disparities than Black women are, because Black men are more likely to interact with the criminal justice system directly. Scholars have noted that Black men are more associated with memes of suspicion,¹⁴⁷ which leads to more hostile treatment by the police and tougher sentencing from judges,¹⁴⁸ and a much higher chance to be incarcerated than Black women.¹⁴⁹ While the rate for female imprisonment is rising, and Black women are more likely to be in

¹⁴⁵ Todd R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*, Imprisoning Communities (Oxford University Press, 2007), <https://oxford-universitypressscholarship-com.libproxy.lib.unc.edu/view/10.1093/acprof:oso/9780195305791.001.0001/acprof-9780195305791>; Crutchfield et al., “Racial Disparities in Early Criminal Justice Involvement”; Shaw, “Understanding the Intergenerational Effects of Mass Incarceration”; Warner, “Home Again, Home Again.”

¹⁴⁶ Clear, *Imprisoning Communities*.

¹⁴⁷ Jeffrey A. Fagan and Amanda Geller, “Following the Script: Narratives of Suspicion in Terry Stops in Street Policing,” *The University of Chicago Law Review*, June 30, 2017, <https://doi.org/10.7916/d8jw8dzh>.

¹⁴⁸ Joseph Avery and Joel Cooper, *Bias in the Law: A Definitive Look at Racial Prejudice in the U.S. Criminal Justice System* (Rowman & Littlefield, 2020); Abrams, Bertrand, and Mullainathan, “Do Judges Vary in Their Treatment of Race?”

¹⁴⁹ Cassia Spohn and David Holleran, “The Imprisonment Penalty Paid by Young, Unemployed Black and Hispanic Male Offenders,” *Criminology* 38, no. 1 (2000): 281–306, <https://doi.org/10.1111/j.1745-9125.2000.tb00891.x>; Steffensmeier, Ulmer, and Kramer, “The Interaction of Race, Gender, and Age in Criminal Sentencing.”

prison than White women, only about 6% of the incarcerated population is female.¹⁵⁰ Due to this higher likelihood of being incarcerated, Black men are more likely to face a variety of social¹⁵¹ and economic¹⁵² challenges that arise from incarceration.

However, other scholars have noted that Black women still face challenges due to the mass incarceration of Black men, just in a different manner. When a Black man is incarcerated, it is essential to note they often leave a family behind. Partners of the incarcerated face a variety of stressors, such as uncertainty about their loved one's well-being, deterioration of family functioning, stigma, and social isolation.¹⁵³ Furthermore, they must shoulder the economic weight of providing for the familial unit,¹⁵⁴ as well as providing for the prisoners inside (be it through money for the commissary, or paying for calling privileges, etc.). These disparities extend beyond social and economic factors: it has been noted that higher incarceration rates for Black men are also tied to higher health disparities for Black women, specifically regarding

¹⁵⁰ Robynn J. A. Cox, "The Impact of Mass Incarceration on the Lives of African American Women," *The Review of Black Political Economy* 39, no. 2 (January 1, 2012): 203–12, <https://doi.org/10.1007/s12114-011-9114-2>.

¹⁵¹ Gerber et al., "Does Incarceration Reduce Voting?"

¹⁵² Emmert, "Doing Time and the Unemployment Line."

¹⁵³ Donald Braman, *Doing Time on the Outside : Incarceration and Family Life in Urban America* (University of Michigan Press, 2004, 2004).

¹⁵⁴ Angela Bruns and Hedwig Lee, "Partner Incarceration and Women's Substance Use," *Journal of Marriage and Family* 82, no. 4 (2020): 1178–96, <https://doi.org/10.1111/jomf.12659>.

sexually transmitted diseases,¹⁵⁵ prenatal care,¹⁵⁶ and substance abuse.¹⁵⁷ In many ways, while Black men are being put in prison, Black women are left behind to pick up the pieces, demonstrating both the value of an intersectional approach to criminal justice disparities, and how disturbing are the realities of the mass incarceration state. The different experiences for Black men and Black women in this context should have implications for our expectations of how Black representatives of different genders will act in this policy domain.

Descriptive Representation and Incarceration

It is important to remember that the mass incarceration of Americans, specifically Black Americans, is not an accident; it is the outcome of intentional political decisions. Scholars have documented the deliberate decisions made in the post-civil rights era to target the criminal justice system towards Blacks.¹⁵⁸ For example, in her book *The New Jim Crow*, Michelle Alexander expertly demonstrates how, in an effort to maintain the racial hierarchy, the criminal justice system became a de facto method of preserving the racial hierarchy in an era where de jure policies were no longer possible. Many point to high profile policies from the “Tough on Crime” era, such as mandatory minimum sentencing laws and the Three Strikes law, as examples

¹⁵⁵ O. A. Grinstead et al., “HIV, STD, and Hepatitis Risk to Primary Female Partners of Men Being Released from Prison,” *Women & Health* 41, no. 2 (January 1, 2005): 63–80, https://doi.org/10.1300/J013v41N02_05.

¹⁵⁶ Lauren Dyer et al., “Mass Incarceration and Public Health: The Association between Black Jail Incarceration and Adverse Birth Outcomes among Black Women in Louisiana,” *BMC Pregnancy and Childbirth; London* 19 (2019): 1–10, <http://dx.doi.org.libproxy.lib.unc.edu/10.1186/s12884-019-2690-z>; Jaquelyn L. Jahn et al., “County-Level Jail Incarceration and Preterm Birth among Non-Hispanic Black and White U.S. Women, 1999–2015,” *Social Science & Medicine* 250 (April 1, 2020): 112856, <https://doi.org/10.1016/j.socscimed.2020.112856>.

¹⁵⁷ Bruns and Lee, “Partner Incarceration and Women’s Substance Use”; Christopher Wildeman, Hedwig Lee, and Megan Comfort, “A New Vulnerable Population? The Health of Female Partners of Men Recently Released from Prison,” *Women’s Health Issues* 23, no. 6 (November 1, 2013): e335–40, <https://doi.org/10.1016/j.whi.2013.07.006>.

¹⁵⁸ Alexander, *The New Jim Crow*; Amanda Nicholson Bergold et al., *Bias in the Law: A Definitive Look at Racial Prejudice in the US Criminal Justice System* (Lexington Books, 2020).

of policies that have contributed to the mass incarceration state, and with it, the massive racial disparities in incarceration.

However, the institutional nature of incarceration disparities leaves room for reform. The policies that create these disparities can be repealed or replaced with new ones that seek to address systemic inequalities. As in other chapters of this book, I will examine the role that a representative's race plays in the reduction of racial disparities. And there is good reason to think that descriptive representatives should play a key role in initiating these reforms. Scholars have noted that policy area is important when considering how relevant descriptive representation is in providing substantive representation.¹⁵⁹ They posit that racialized policy issues, an issue where racial cleavages dominate the political context such as the criminal justice system or welfare,¹⁶⁰ highlight the racial experience of different representatives and reduce the relative importance of partisanship while increasing the importance of a representative's race. Scholarship has shown promising results in this vein, finding that Black legislators play an instrumental role in determining the appetite for racial policy reform in Democratic legislatures.¹⁶¹

There are several high-profile cases of Black representatives using their positions to push for ending mass incarceration. Senator Cory Booker authored and helped pass the First Step Act,

¹⁵⁹ Hawkesworth, "Congressional Enactments of Race-Gender: Toward a Theory of Raced-Gendered Institutions"; Preuhs, "The Conditional Effects of Minority Descriptive Representation: Black Legislators and Policy Influence in the American States."

¹⁶⁰ Preuhs, "The Conditional Effects of Minority Descriptive Representation: Black Legislators and Policy Influence in the American States."

¹⁶¹ Laurel Eckhouse, "Race, Party, and Representation in Criminal Justice Politics," *The Journal of Politics* 81, no. 3 (June 11, 2019): 1143–52, <https://doi.org/10.1086/703489>.

which sought to reduce the federal prison population, and the Fair Chance Act, which sought to reduce employment discrimination for the previously incarcerated. During the Democratic primary in 2020, former Senator and Vice-President Kamala Harris included ending solitary confinement, ending private prisons, and eliminating mandatory minimums in her platform. At the state level, State Senator Elgie Simms Jr., a Democrat in Illinois, helped call for a joint session to address racial disparities in incarceration and has called for sweeping reforms on the subject. His colleague State Senate Majority Leader and Black Caucus Chair Kimberly Lightford said, after proposing criminal justice legislation, “This is the moment that I have dreamed of, that I have prayed for, that I have worked towards my entire life”.¹⁶²

District Attorneys

In previous chapters, I have focused on the role that state and local representatives play in shaping policy to reduce disparities, as in the examples above. However, in this chapter, I will focus on a different set of public officials, those who prosecute legal proceedings for state governments. In particular, I will focus on the positions of chief prosecutors for the judicial districts within state governments. There are approximately 2,300 judicial districts in the United States, prosecuting over 2.3 million felony cases per year,¹⁶³ and within each is a team of prosecutors that represent that state, headed by a chief prosecutor (the federal equivalent would be a United States Attorney). While it varies based on the state, these jurisdictions are generally

¹⁶² Raymond Troncoso, “Black Caucus Releases Agenda: Criminal Justice Reform, Police Accountability and Reducing Violence at Forefront,” Chicago Sun-Times, September 1, 2020, <https://chicago.suntimes.com/politics/2020/9/1/21417864/illinois-legislative-black-caucus-agenda-criminal-justice-reform-police-accountability>.

¹⁶³ Steven W Perry, “Prosecutors in State Courts, 2005,” 2005, 12.

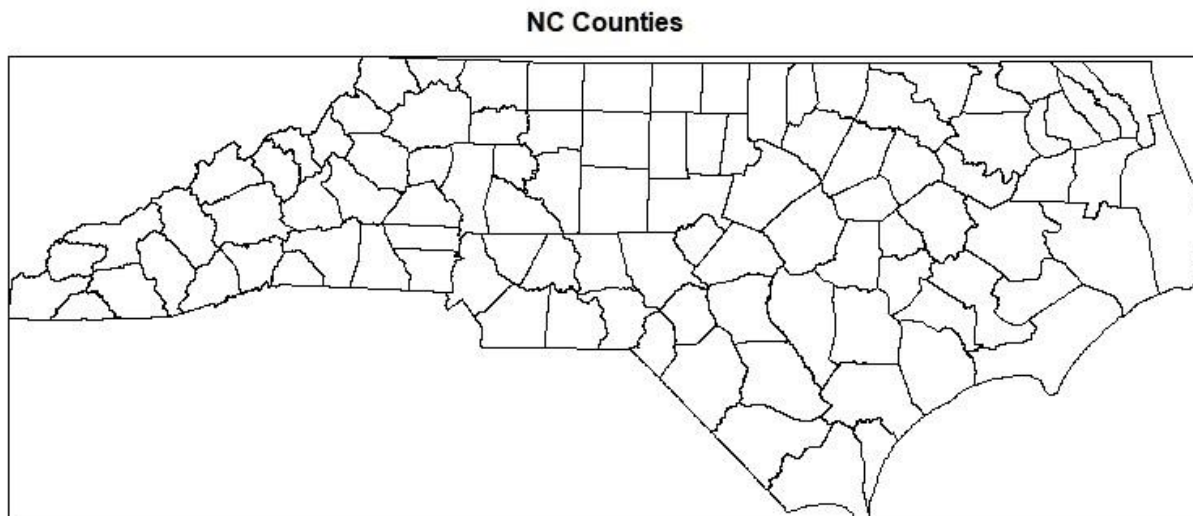
designed around existing county jurisdictions, with less populated counties being grouped together into larger geographic judicial districts. In North Carolina, there are 42 such districts (called prosecutorial districts), shown in figure 4-1, built from the 100 counties in North Carolina shown in figure 4-2. Despite the grouping of smaller counties, there is a wide variance in the underlying population size of these districts. For example, the smallest district in NC, district 7, comprises only about 35,000 people, whereas the largest district, district 33, comprises over 700,000 people.¹⁶⁴

Figure 4-1: Map of NC Prosecutorial Districts



¹⁶⁴ Population counts use VERA institute data, and only count population aged 15-64.

Figure 4-2: Map of NC Counties



These lead positions in these districts go by various titles across the country, from Commonwealth's Attorney to Solicitor, and they are essential to creating or potentially reforming incarceration disparities. In this chapter, I will refer to all of these chief prosecutor positions collectively as District Attorneys.

District Attorneys and Elections

District Attorneys were originally appointed, but in the early 19th century there was a very successful push to make these officials popularly elected.¹⁶⁵ Today, in every state except Alaska, New Jersey, and Connecticut, District Attorneys are popularly elected. The average District Attorney has extensive experience as a prosecutor, often starting as an assistant prosecutor in the district they come to run.¹⁶⁶ However, the vast majority of these seats go

¹⁶⁵ Michael J Ellis, "The Origins of the Elected Prosecutor," *THE YALE LAW JOURNAL*, 2012, 43.

¹⁶⁶ Ronald F. Wright, "Beyond Prosecutor Elections The 2014 SMU Criminal Justice Colloquium," *SMU Law Review* 67, no. 3 (2014): 593–616.

uncontested in their elections.^{167,168} For example, the Justice for All project examined every election in the 2014 cycle and found that over 85% of District Attorneys ran unopposed in their general elections. Electoral competition is not much better when primaries are factored in; roughly 80% of all incumbents run unopposed in both their primary and general elections.¹⁶⁹ Even when opposed, there is some evidence that District Attorneys are quite difficult to unseat.¹⁷⁰ This means that while many of these positions are nominally elected, like many other local positions, officials tend to stay in office once elected until they retire, and face little serious electoral competition.

This might lead one to believe that elections do not affect District Attorneys, as they do not generally face credible electoral threats. However, scholars have demonstrated that elections still impact the behavior of prosecutors, generally leading prosecutors to be more “tough on crime”.¹⁷¹ One consistent finding is that during election years, prosecutors seek to increase their conviction rate in order to demonstrate to voters that they are doing a good job.¹⁷² The use of incarceration rates shouldn’t be surprising; the chief job of District Attorneys is to prosecute

¹⁶⁷ Hessick and Morse (2020) do note that not all seats are equally unlikely to face challengers. They found that urban districts with a larger population were more likely than their rural loosely populated peers in fielding challengers, although it is still rare in both cases. Wright (2013) confirms this, finding that the number of District Attorneys that run unopposed in both the general and the primary in larger jurisdictions goes from 80% to 55%.

¹⁶⁸ Carissa Byrne Hessick and Michael Morse, “Picking Prosecutors,” *Iowa Law Review* 105, no. 4 (May 2020): 1537–90.

¹⁶⁹ Wright, “Beyond Prosecutor Elections The 2014 SMU Criminal Justice Colloquium.”

¹⁷⁰ Wright.

¹⁷¹ Siddhartha Bandyopadhyay and Bryan C. McCannon, “The Effect of the Election of Prosecutors on Criminal Trials,” *Public Choice* 161, no. 1 (October 1, 2014): 141–56, <https://doi.org/10.1007/s11127-013-0144-0>; Bryan C. McCannon, “Prosecutor Elections, Mistakes, and Appeals,” *Journal of Empirical Legal Studies* 10, no. 4 (2013): 696–714, <https://doi.org/10.1111/jels.12024>.

¹⁷² McCannon, “Prosecutor Elections, Mistakes, and Appeals.”

cases, leaving voters few alternative measures to gauge their performance.¹⁷³ Coupled with the general public's appetite for "tough on crime" politics, this leads to a general re-election strategy for sitting prosecutors to seek high conviction rates. We can see this re-election strategy in practice when prosecutors do face challenges and need to campaign. In these campaigns, the conviction rate metric is paramount to their re-election strategy, with little focus on the quality of these convictions.¹⁷⁴ This quantity over quality approach and the generally "hawkish" behavior before elections results in "inaccurate sentences, wrongful convictions, and, consequently, successful appeals of their cases".¹⁷⁵

If District Attorneys do not face credible electoral threats, why do elections affect their behavior? One reason is that much of the electoral safety that District Attorney's enjoy is due to the lack of credible challengers to their elections, and District Attorneys use their time in office shoring up their electoral prospects to head off any prospective challengers.¹⁷⁶ This power to head off challengers is exacerbated by the unique situation that prospective challengers face. As most credible challengers are themselves prosecutors of a lower rank, and often work in the same office as the current District Attorney, an unsuccessful bid to unseat the sitting DA will often mean jeopardizing one's current employment.¹⁷⁷ The high cost of an unsuccessful challenge

¹⁷³ Sanford C. Gordon and Gregory A. Huber, "Citizen Oversight and the Electoral Incentives of Criminal Prosecutors," *American Journal of Political Science* 46, no. 2 (2002): 334–51, <https://doi.org/10.2307/3088380>.

¹⁷⁴ Eric Rasmusen, Manu Raghav, and Mark Ramseyer, "Convictions versus Conviction Rates: The Prosecutor's Choice," *American Law and Economics Review* 11, no. 1 (March 1, 2009): 47–78, <https://doi.org/10.1093/aler/ahp007>.

¹⁷⁵ McCannon, "Prosecutor Elections, Mistakes, and Appeals."

¹⁷⁶ Wright, "Beyond Prosecutor Elections The 2014 SMU Criminal Justice Colloquium."

¹⁷⁷ Wright.

means that serious challengers will only enter races that they think they have a good chance of winning, and if a sitting DA sticks to tried and true “tough on crime” strategies, this chance may never come up. The high cost of failure means that given the opportunity, we should expect potential candidates to adopt tried and true strategies, however, I will discuss later how certain individuals may not be able to credibly adopt such a strategy due to the stereotypical expectations associated with their identity.

Taken together, the popular election of District Attorneys traditionally leads prosecutors to focus on incarcerating lots of individuals to sell their performance to the public, despite the fact that they generally face little to no real electoral threats. And unfortunately, this focus leads to predictably unjust results. However, those who may be precluded from adopting a tough-on-crime stance will have to adopt a different strategy to succeed. I will discuss in my theory section how Black women have thrived outside of the traditional tough-on-crime trope due to a changing political context.

The Powers of the District Attorney

While the specific duties of District Attorneys change depending on which state you examine, they are generally in charge of deciding whether to charge someone with a crime, what crime to charge someone with, determining plea deals, and depending on state laws, whether to seek the death penalty. Through these powers, District Attorneys have a large degree of discretion in determining how many people end up in prison and for how long.¹⁷⁸ It cannot be understated how vital these different powers are in shaping incarceration in the United States.

¹⁷⁸ Angela J. Davis, *Arbitrary Justice: The Power of the American Prosecutor* (Oxford University Press, 2007).

Charging Powers

When a potential crime has been committed, the District Attorney first determines if charges should be made. But more important than the dichotomous decision on whether to charge or not, they decide on precisely which crimes to charge an accused individual. A drug charge could be accompanied by wanton endangerment, intent to sell/distribute, or a variety of other charges, extending the sentence with each additional charge. For example, Eliel Avelar was accused of murder in Illinois, and was charged with armed robbery as a Level 3 felony; auto theft as a Level 6 felony; three separate counts of obstruction of justice as Level 6 felonies; intimidation as a Level 6 felony and unlawful possession of a firearm by an alien. The charging power carries with it a heavy influence on sentencing, as the crimes you are charged with carry different sentences. For example, after the fatal shooting of Breonna Taylor in Kentucky, the Attorney General decided to charge one of the officers involved with wanton endangerment, which carries a sentence of 5 years, instead of a more severe charge such as manslaughter, which carries a sentence of 10-20 years. A District Attorney can choose to “throw the book” at an individual and charge them with every possible charge in order to lengthen their sentence.

Plea Bargaining

This charging power also carries with it significant leverage in plea bargaining.¹⁷⁹ Plea bargaining is the negotiations surrounding an arrangement between a prosecutor and a defendant, whereby the defendant pleads guilty to a lesser charge in the expectation of a less severe sentence. For example, Eliel Avelar eventually accepted a plea deal, pleading guilty to voluntary

¹⁷⁹ Shawn D. Bushway et al., “Is Plea Bargaining in the ‘Shadow of the Trial’ a Mirage?,” *Journal of Quantitative Criminology* 28, no. 3 (September 1, 2012): 437–54, <https://doi.org/10.1007/s10940-011-9147-5>.

manslaughter to avoid the slew of charges initially brought against him. Plea bargaining is a monolithic fixture of the criminal justice system used in an estimated 90-95 percent of criminal cases,^{180,181} making it an essential piece of the incarceration puzzle.¹⁸²

It is best to understand plea deals as having two stages. In stage 1, the District Attorney chooses what to charge an individual with, creating the starting point from which the bargaining will begin. District Attorneys are primarily concerned with two things at this stage, maximizing the sentence, and minimizing the chance of a lengthy trial that could end in no conviction.¹⁸³ This starting point is critical in shaping the likelihood a plea is accepted¹⁸⁴ and what the final sentence will be: the worse the original charges are, the more likely a defendant is to accept a plea, and the higher the sentence a defendant will accept.¹⁸⁵ This creates an incentive for District Attorneys to “overcharge” a defendant, creating what is commonly referred to as the “trial penalty.” The “trial penalty” is the added charges (and therefore added punishment) a defendant will face if they refuse a plea deal and take their chances at trial. This leaves defendants with two choices: go to trial where you face a slew of serious charges, or take the plea deal with a

¹⁸⁰ Matthew R. Durose and Patrick A. Langan, “State Court Sentencing of Convicted Felons, 2000: (571622010-001)” (American Psychological Association, 2003), <https://doi.org/10.1037/e571622010-001>; Timothy J Flanagan and Kathleen Maguire, “Sourcebook of Criminal Justice Statistics - 1989,” 1989, 743.

¹⁸¹ At the state court level.

¹⁸² Daniel McConkie, “STRUCTURING PRE-PLEA CRIMINAL DISCOVERY,” *The Journal of Criminal Law and Criminology* (1973-) 107, no. 1 (2017): 1–64.

¹⁸³ Hunter A. McAllister and Norman J. Bregman, “Plea Bargaining by Prosecutors and Defense Attorneys: A Decision Theory Approach,” *Journal of Applied Psychology* 71, no. 4 (November 1986): 686–90, <https://doi.org/10.1037/0021-9010.71.4.686>.

¹⁸⁴ The strength of the evidence against the accused is also important, but this is exogenous to the bargaining process and not up to the discretion of the prosecutor.

¹⁸⁵ Bushway et al., “Is Plea Bargaining in the ‘Shadow of the Trial’ a Mirage?”

much shorter sentence. Many defendants, including those who are innocent of all their charges, can feel pressured to take a plea deal to avoid this “trial penalty”, leading them to accept plea deals that include serious prison sentences instead. In certain states, District Attorneys have the ability to seek the death penalty to pressure defendants to take a plea deal, forcing defendants in this situation to literally choose between life and death. Taken together, the power to charge, sentence, and plea bargain ensures that every incarcerated person’s¹⁸⁶ sentence was affected by the choices of a District Attorney.

Discretion and Disparities

This discretion makes District Attorneys uniquely suited to exacerbate or mitigate racial disparities in incarceration rates, and highlights the importance of their implicit or explicit racial attitudes. Through racial biases, District Attorneys could focus their efforts on Blacks and increase their district's racial disparities. And there is reason to think that District Attorneys are focusing their attentions on Blacks. Scholars have shown that Blacks tend to be perceived as more threatening than Whites.¹⁸⁷ Also, they have shown these perceptions of threat can contribute to longer sentences.¹⁸⁸ The role of racial animus in criminal justice decisions has played out in several cases. For example, Frances Choy, a 17-year-old Asian American, spent nine years in prison before a Superior Court judge threw her conviction out after evidence that

¹⁸⁶ Sentenced with a state crime.

¹⁸⁷ John Paul Wilson, Kurt Hugenberg, and Nicholas O. Rule, “Racial Bias in Judgments of Physical Size and Formidability: From Size to Threat,” *Journal of Personality and Social Psychology* 113, no. 1 (2017): 59.

¹⁸⁸ Steffensmeier, Ulmer, and Kramer, “The Interaction of Race, Gender, and Age in Criminal Sentencing.”

racial animus on the part of the District Attorney played a role in her conviction.¹⁸⁹ Marcus Robinson was granted clemency from his death sentence by the North Carolina Supreme Court after they found the decision to seek death in his case was made partially due to his race.¹⁹⁰

However, a District Attorney who is cognizant of racial disparities could focus their energy on the equal application of the law. For example, George Gascon, the District Attorney for San Francisco, intends to initiate a program where prosecutors would make charging decisions without know the defendant's race.¹⁹¹ Rachel Rollins, Suffolk County District Attorney, ran for election citing 15 different charges her office wouldn't prosecute, seeking to keep those accused of these crimes out of prison. Marilyn Mosby, the DA in Baltimore, MD, has recently announced that her office will no longer prosecute prostitution, drug possession, and other low-level offenses.^{192,193} District Attorneys can also retry or drop charges during the appeal in cases where racial biases played a role in a conviction. In this way, a District Attorney

¹⁸⁹ Michael Levenson, "Judge Overturns Murder Conviction, Citing 'Racial Animus' in Prosecutors' Emails," *The New York Times*, October 4, 2020, sec. U.S., <https://www.nytimes.com/2020/10/01/us/brockton-massachusetts-woman-freed-prison.html>.

¹⁹⁰ "After Proving Racial Bias Infected His Death Sentence, Marcus Robinson's Life Sentence Stands," Equal Justice Initiative, August 14, 2020, <https://eji.org/news/after-proving-racial-bias-infected-his-death-sentence-marcus-robinsons-life-sentence-stands/>.

¹⁹¹ Evan Sernoffsky, "George Gascón Was a Progressive DA in Progressive San Francisco. Why Did He Make so Many Enemies?," *San Francisco Chronicle*, October 21, 2019, <https://www.sfchronicle.com/crime/article/Gasc-n-made-enemies-as-SF-s-reformer-district-14545705.php>.

¹⁹² This policy was originally meant to lower incarceration rates during the COVID-19 pandemic, but served the dual purpose of "no longer default to the status quo to criminalize mostly people of color for addiction" (CNN 2021).

¹⁹³ Juliana Battaglia CNN, "Baltimore Will No Longer Prosecute Drug Possession, Prostitution and Other Low-Level Offenses," CNN, 2021, <https://www.cnn.com/2021/03/27/us/baltimore-prosecute-prostitution-drug-possession/index.html>.

not only affects incarceration rates in the future, but can potentially impact incarceration rates deriving from before their tenure.

Descriptive Representation among District Attorneys

Unfortunately for descriptive representation scholars interested in District Attorneys, there have historically been very few District Attorneys who were people of color. And it is hard to study descriptive representatives when there are none. While there are high profile cases of people of color seeking District Attorney positions and winning them, the vast majority are still held by Whites, and specifically, by White men. Between 2014 and 2020, only about 3% of District Attorneys were Black, and 79% were White men. While comprehensive statistics from before this period are hard to find, there is some evidence that modern levels of descriptive representation are higher than in the past. Many of the roughly 70 positions held by Blacks in the 2014-2020 period were positions that had never been held by a person of color before. Jackie Lacey, the District Attorney in Los Angeles, elected in 2012, was the first Black District Attorney for that office. Michael Jackson, District Attorney for Selma AL, elected in 2004, was the first African American elected to that position, and the second for the entire state of Alabama. Aramis Ayala, the District Attorney in Florida's Ninth Judicial Circuit elected in 2016, was the state's first Black District Attorney. While District Attorneys are still overwhelmingly White and male, we are seeing some of the positions beginning to be filled by racial or ethnic minorities. Figure 4-3 shows the location of each Black District Attorney in 2020.¹⁹⁴

¹⁹⁴ Each dot represents the center of the district that each District Attorney is in.

Figure 4-3: Black District Attorneys in 2020

Black District Attorneys Across the US in 2020



Similar to other elected positions, Black men and Black women are not equally represented among District Attorneys, nor was their inclusion simultaneous. While firm data on the race and gender composition of District Attorneys in the past is hard to come by, I collected information regarding the race and gender of District Attorneys in 2014 and again in 2020. There is a general trend that Black men became District Attorneys earlier than Black women. Whereas Black men have been a small minority of District Attorneys since the late 2000s, Black women have only seen their numbers grow since the late 2010s. Black men encompassed 40 District Attorneys in 2014 and numbered only 32 in 2020. Black women, by comparison, went from 14 seats to over 30. Furthermore, of the 14 Black women serving in 2014, most were serving their first term. In the theory section, I will discuss how the entrance of Black men and Black women into this position during different periods creates a difference between Black male and Black female District Attorneys.

Substantive Representation among Descriptive District Attorneys

Among the relatively few minority District Attorneys, there is good reason to believe that they are seeking to reform the criminal justice system, and that their race is an important factor in the decision. For example, following the mass protests after the shooting of George Floyd, Rachael Rollins, District Attorney of Suffolk, held a press conference. In it, she described how a “burning rage... in my voice is real” and how “we (the Black community) have been telling you (the White community) forever” in reference to police brutality targeted at Blacks.¹⁹⁵ What is telling here is that this District Attorney is clearly referencing her membership in the racial minority group in her response after mass demonstrations, and particularly, referencing how her experience and feelings as a member of that group have shaped her reaction. Satana Deberry, the notably progressive District Attorney in Durham NC, has said that her experience as a Black woman has heavily influenced her decisions to implement criminal justice reforms.¹⁹⁶ In an interview, she said, “As a Black person, I have lots of personal experiences with racism,” and even though she enjoys many privileges through education and position, “still [her] children are not safe” due to systemic racism.¹⁹⁷ It is clear that in both examples, their experience as Black persons in America has affected how they react to racialized issues in the criminal justice system.

¹⁹⁵ “Rachael Rollins for Suffolk DA | Policy,” Rachael Rollins for Suffolk DA, 2021, <https://rollins4da.com/policy/>.

¹⁹⁶ Clayton Henkel, “Durham County District Attorney Satana Deberry Shares Her Thoughts on the Harsh Reality African Americans Face on a Regular Basis,” *NC Policy Watch* (blog), June 8, 2020, <http://www.ncpolicywatch.com/2020/06/08/durham-county-district-attorney-satana-deberry-shares-her-thoughts-on-the-harsh-reality-african-americans-face-on-a-regular-basis/>.

¹⁹⁷ Henkel.

While most District Attorneys see “tough on crime” policies as being essential to their political survival, many of these progressive DAs have broken this mold and use their racial justice policies to sell themselves to voters. For example, Rachel Rollins’ campaign website said:

“As District Attorney, Rachael Rollins will put in place fair, transparent policies to keep residents safe and provide justice for victims. Everyone that comes into contact with her Office will be treated with dignity and respect. She will improve our criminal justice system through best-practice, data-driven programs that prioritize equity and justice. The communities that make up Suffolk County will be partners in the process of transforming the District Attorney’s Office. The Office will reflect and benefit from the rich diversity of Suffolk County”.¹⁹⁸

Satana Deberry’s campaign listed racial justice as their third priority on their platform page, saying:

“No matter who has been the District Attorney in Durham County or what programs have been implemented, we have the same criminal justice outcomes we had 50 years ago. That means the District Attorney continues to over-prosecute people based on race and socioeconomic status. In addition to being overcrowded, the jail is disproportionately filled with black people. Black people, who make up only 38 percent of Durham’s population, make up 80 percent of the people in jail. Satana will prioritize working with the courts and Sheriff’s Office to drastically decrease the daily census

¹⁹⁸ “Rachael Rollins for Suffolk DA | Policy.”

count at the jail. Satana will also ensure that there is fairness in the prosecutorial decision-making process by requiring routine implicit bias training for prosecutors; routine review of data to expose and address racial inequity; and the incorporation of racial impact review in performance review for individual prosecutors. Satana will work with community partners to create meaningful guidance to prosecutors on reducing the impact of implicit bias in prosecution”.¹⁹⁹

For her re-election campaign, Kimberly Gardner has listed the following as an accomplishment:

“Kim has made jail and prison a last resort, reserved for those who pose a true public safety risk, not for individuals who commit petty offenses, suffer from addiction or mental illness, or are too poor to post bond.”²⁰⁰

These three cases are emblematic of the new progressive District Attorney campaign pitch: instead of selling their performance using incarceration rates, they are selling to the voters their moves to enact racial justice. However, despite their electoral successes, there has been substantial backlash against these attempts to reconceptualize the role of the DA.

For example, Kimberly Davis filed suit in federal courts in 2020, alleging a “racially motivated conspiracy to deny the civil rights of racial minorities” for what she claimed were the city administration and police’s efforts to derail her racial justice policies and oust her from

¹⁹⁹ “Rachael Rollins for Suffolk DA | Policy.”

²⁰⁰ “Kimberly M. Gardner for Circuit Attorney,” *Kimberly M. Gardner for Circuit Attorney* (blog), 2021, <https://votekimgardner.com/accomplishments-2/>.

office.²⁰¹ She went on to say that “This is also about the continuing attacks on progressive prosecutors, not just in St. Louis, but around this country”.²⁰²

Rachel Rollins has had an ongoing feud with her local police department. The Boston Police Patrolmen's Association in a press release on Twitter accused Rollins of having “undoubtedly incited violence against the proud men and women of the Boston Police Department”. Kimberly Foxx has also faced similar criticisms from local police, who said “Criminals took to the street with the confidence that there would be no consequences for their actions” due in part to her decisions to not charge some protestors following the George Floyd shooting.²⁰³

The pattern is clear: other actors in the criminal justice system are having a reactionary response to these revolutionary changes. And these responses serve as a warning to DAs who might consider racial justice reforms and are meant to dissuade them from doing so. Therefore, if you choose to pursue racial justice reform, you need to be prepared to run against your opponent and the police in your election. These reactions create a high degree of uncertainty for potentially progressive District Attorneys, as well as a strong barrier to their success. Why then would an individual adopt such a stance? I will argue that some individuals, due to their identity, will lack the ability to credibly claim allegiance to tough-on-crime policies, and will have to adopt a different strategy in order to succeed. One such strategy is the one being used by the

²⁰¹ Richard Oppel, “Prosecutor Sues Her Own City Under a Law Passed to Fight the K.K.K.,” *The New York Times*, January 14, 2020, sec. U.S., <https://www.nytimes.com/2020/01/13/us/st-louis-circuit-attorney-kim-gardner.html>.

²⁰² Oppel.

²⁰³ Heather Cherone, “Foxx Pushes Back on Criticism From Lightfoot, Brown After Looting,” WTTW News, 2020, <https://news.wttw.com/2020/08/10/foxx-pushes-back-criticism-lightfoot-brown-after-looting>.

District Attorney's discussed in this chapter. By changing the paradigm away from high incarceration rates and towards racial justice, some District Attorneys are able to survive in office without the support of institutions such as the police.

Race, Gender, and Stereotyping

In this chapter, I will examine how the stereotypes surrounding a descriptive representative's identity shape the expectations of their actions and affect how they will act once in office. I follow existing research in arguing that different identities have different stereotypes associated with them. These stereotypes are linked to race and gender in an intersectional framework. However, individuals who share some identities with the dominant group tend to have those identities emphasized. Black male representative share one identity with the dominant group (their gender) and because of that can credibly commit to the status quo, and therefore can and will run on a tough-on-crime slate. Black women, however, are not afforded the same luxury. Lacking any shared identities with the dominant group, and facing negative stereotypes that run contrary to the goals of the criminal justice system, they will not have the opportunity to credibly claim they are tough-on-crime in the aggregate. As such, Black women will rely on alternate strategies to electoral success, namely running on platforms of racial justice reform.

The process of stereotyping, or the forming of beliefs about an individual based solely on their identities, has been extensively studied. Stereotypes are not all the same, however: some can be positive, like being seen as hard working, some can be negative, such as being lazy. Scholars have noted that stereotypes are assigned to racial and gender identities in a hierarchal manner. In general, the dominant groups, White for race/ethnicity, and men for gender, tend to

be assigned positive stereotypes, and subordinate groups, Blacks (or other non-White groups) for race/ethnicity, and women for gender, tend to be associated with more negative stereotypes. Specifically, Whites are generally associated with industriousness, a good work ethic, and strong morals, whereas Blacks tend to be associated with criminality, lack of education, and a lack of professionalism²⁰⁴. Furthermore, men tend to be associated with toughness, agency, and aggressiveness, and women with passivity, nurturing, and emotionality²⁰⁵. I will argue that the stereotypes associated with being Black and being female are seen as incompatible with working in the criminal justice system that promotes the “tough on crime” agenda. The association of Blacks with criminality will make voters concerned that Blacks as District Attorneys will not be tough-on-crime. In a similar vein, the passive and motherly natures attributed to women will raise concerns that female District Attorneys will not be aggressive enough against crime. In this way, individuals who have these identities will find it difficult to signal their allegiance to the status quo, and effectively use a tough-on-crime stance in their elections.

Intersectionality and Stereotyping

Intersectionality scholars have found that the application of different stereotypes across race and gender lines is not as neat as adding up the stereotypes of all your constituent identities.

Importantly, there is evidence that those who possess some dominant group identities and some

²⁰⁴ Leah R. Christiani, “Intersectional Stereotypes in Policing: An Analysis of Traffic Stop Outcomes” (M.A., United States -- North Carolina, The University of North Carolina at Chapel Hill), accessed July 12, 2021, <http://www.proquest.com/docview/1952257818/abstract/FF5DA018DAAB4320PQ/1>; Kelly Welch, “Black Criminal Stereotypes and Racial Profiling,” *Journal of Contemporary Criminal Justice* 23, no. 3 (August 1, 2007): 276–88, <https://doi.org/10.1177/1043986207306870>.

²⁰⁵ Tiane L. Lee and Susan T. Fiske, “Not an Outgroup, Not yet an Ingroup: Immigrants in the Stereotype Content Model,” *International Journal of Intercultural Relations* 30, no. 6 (November 1, 2006): 751–68, <https://doi.org/10.1016/j.ijintrel.2006.06.005>.

identities of subordinate groups are more readily identified with their dominant group identities²⁰⁶. Put another way, Black men are more likely identified by others as men than as Black, and White women are more likely identified as being White than as being women. In this way, groups with some dominant group identities tend to have fewer negative stereotypes associated with them than those without any dominant group identities. I call this process dominant group identity shifting, where the intersectional identity of an individual tends to be shifted towards their dominant group identities and away from their subordinate group identities. I will argue that this process of dominant group identity shifting will lead to different expectation for how Black men and Black women will act once in office.

Theory

I propose a theory of stereotyped descriptive representation. In this theory, descriptive representatives of different sub-identities can have different stereotypes associated with their intersectional identities. Part of these different expectations is the process of dominant group identity shifting, a process by which those who have some identities of dominant groups will be expected to act in line with those identities rather than their subordinate identities. These stereotypes in turn produce a set of expectation about how these individuals will act once in office, which affect the electoral strategies available to a representative.

²⁰⁶ Sarah K. Calabrese et al., “Sexual Stereotypes Ascribed to Black Men Who Have Sex with Men: An Intersectional Analysis,” *Archives of Sexual Behavior* 47, no. 1 (January 1, 2018): 143–56, <https://doi.org/10.1007/s10508-016-0911-3>; Jessica D. Remedios and Samantha H. Snyder, “Intersectional Oppression: Multiple Stigmatized Identities and Perceptions of Invisibility, Discrimination, and Stereotyping,” *Journal of Social Issues* 74, no. 2 (2018): 265–81, <https://doi.org/10.1111/josi.12268>; Valerie Purdie-Vaughns and Richard P. Eibach, “Intersectional Invisibility: The Distinctive Advantages and Disadvantages of Multiple Subordinate-Group Identities,” *Sex Roles* 59, no. 5 (September 1, 2008): 377–91, <https://doi.org/10.1007/s11199-008-9424-4>.

In the context of District Attorneys, we can note that dominant group identities (being White and male) tend to be helpful for prospective candidates, and subordinate identities tend to be negative. However, importantly, these identities also affect the expectations of how tough-on-crime an individual will be. Black candidates will be perceived as unlikely to maintain a status quo so disadvantageous to their racial group. Male candidates can signal their toughness, as well as their role as disciplinarians²⁰⁷. While both Black male and Black female candidates face the racial stereotype, Black men can fall back on their male identity to signal their allegiance to tough-on-crime policies. Black women, however, are not afforded this luxury. Black women are often perceived as nurturing and compassionate, and these stereotypes are generally incompatible with tough-on-crime policies. As such, working within the system to achieve electoral success (by working with the police and maintaining a high incarceration rate) will not be available to them. Therefore, if Black women are to succeed in this field, it will require an alternate strategy, one that doesn't require the cooperation of the police, namely a strategy of progressive racial justice reform.

High profile cases of Black female District Attorneys demonstrate how powerful and successful this strategy can be in the right political context. District Attorneys like Satana Deberry not only can succeed without police support, they can use the lack of support from police as a signal they are doing their job. In this way, by being precluded from office on a tough-on-crime slate, Black female District Attorneys are more likely to affect racial justice reforms, as these reforms become the basis of their re-election pitch.

²⁰⁷ Amy L. DeWitt, Cynthia M. Cready, and Rudy Ray Seward, "Parental Role Portrayals in Twentieth Century Children's Picture Books: More Egalitarian or Ongoing Stereotyping?," *Sex Roles* 69, no. 1 (July 1, 2013): 89–106, <https://doi.org/10.1007/s11199-013-0285-0>.

Instead of signaling their job performance by using high incarceration rates, these District Attorneys use metrics of racial disparities. This leads me to my main hypothesis. *H1: Black women will reduce racial disparities in incarceration rates more than Black men.*

For empirical analysis, I first conduct a case study of District Attorneys in North Carolina. Using detailed data on convictions, I present some preliminary observations on the potential effects that a change from a White to a non-White DA may have on incarceration outcomes. I then discuss the methodology of the cross-sectional nationwide analysis, which I will use to test the proposed theory.

North Carolina Case Study

I will begin testing my expectations with a case study of District Attorneys in the state of North Carolina. North Carolina was chosen because there are unique data available to the state, which tracks each individual that goes through the state court system, recording the details of the conviction. These data, furnished by the Administrative Office of the Courts (AoC), allows me to examine the incarceration patterns in each prosecutorial district on a year-by-year basis. I use this panel data for each district to examine how the incarceration patterns change when the District Attorney changes, in particular when the race and/or gender of the District Attorney changes.

Incarceration Data

The AoC data is available from 2015 to 2019 and includes for each county: the race for each individual that was entered into the court system, what they were charged with, arraigned on, and convicted of. I use these data to create a county-wide count for each racial group, of those that were incarcerated with felonies in each year. In North Carolina, each prosecutorial

district is comprised of a set of counties, so I then aggregate the county-wide scores up to the prosecutorial district. I combined these yearly counts to create a by-district incarceration rate for each year.

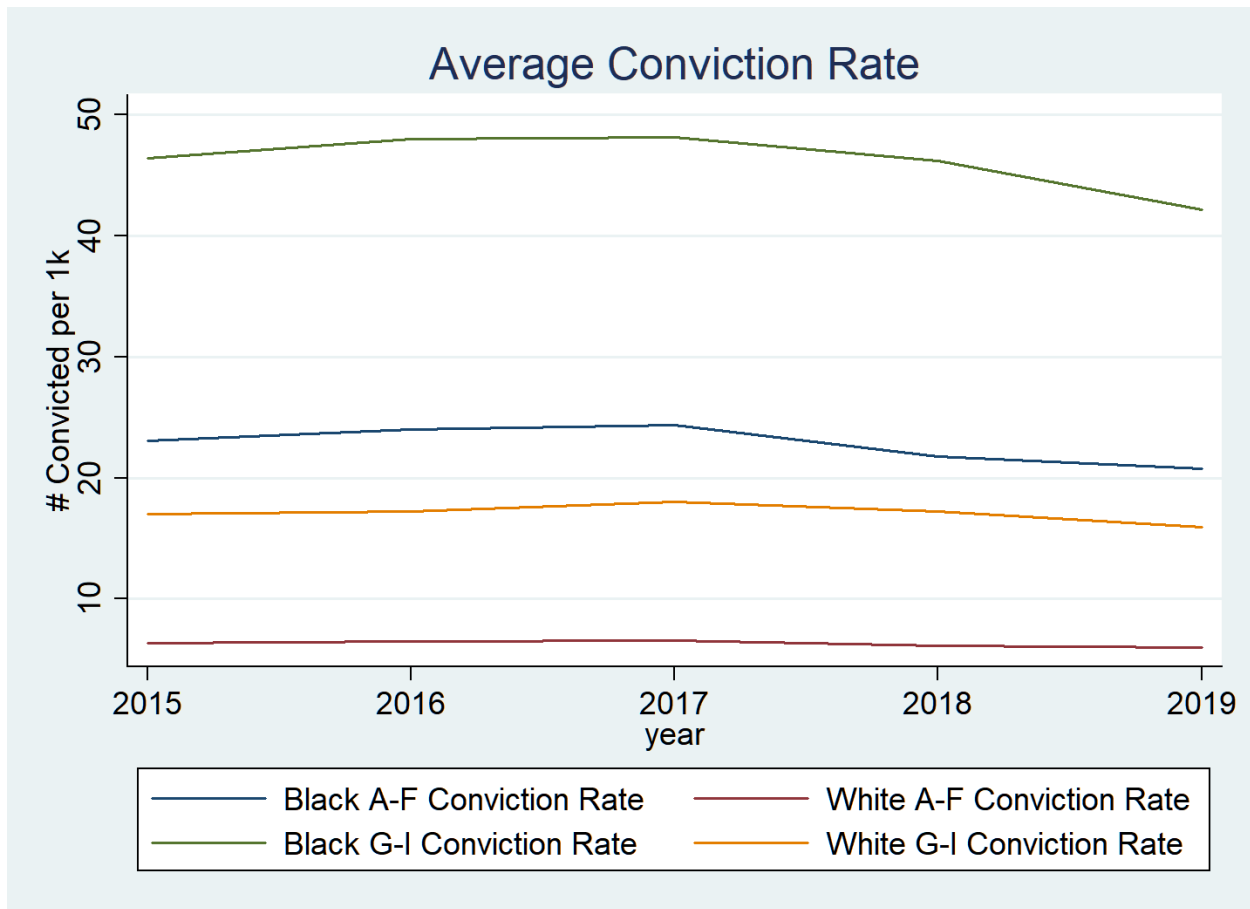
However, not all crimes are alike; some are more serious than others. And it might be the case that descriptive representatives have less discretion in very serious crimes. Therefore, I consider high degree felonies separately. In North Carolina, all felonies individuals are charged with are ranked by severity using a class, from A to I. Table 4-1 shows each felony class, examples of eligible crimes, and the corresponding sentence length. I collapse the various codes an individual could be convicted of into two tiers. The first tier, consisting of A through F classed felonies, primarily deals with violent crimes, ranging from murder to assault. The second tier, consisting of all felonies between G, H, and I codes, are primarily drug offenses. I divide these district-wide yearly counts by the age 15-64 population (for the relevant race) to construct incarceration rates for each race and felony tier.

Table 4-1: NC Felonies codes

	Example Crimes	Maximum Sentence
A	First-Degree Murder	Death or Life Without Parole
B	Second-Degree murder, First-Degree Forcible Rape	Life Without Parole
C	Second-Degree Forcible Rape, Second-Degree Forcible Sexual Offense	231 Months
D	Voluntary Manslaughter, First-Degree Burglary	204 Months
E	Sexual Activity by a Substitute Parent or Custodian, Discharging Weapon Into Occupied Property	88 Months
F	Involuntary Manslaughter, Assault Inflicting Serious Bodily Injury	59 Months
G	Sale of a Schedule I or II Controlled Substance, Common Law Robbery	47 Months
H	Sale of a Schedule III, IV, V, or VI Controlled Substance, Possessing Stolen Goods	39 Months
I	Possession W/I/M/S/D Marijuana, Financial Transaction Card Theft	24 Months

Figure 4-4 shows the average conviction rate across all districts over time. We can see there are more G-I class felonies than A-F felonies (as drug-based crimes are more prevalent than violent crimes such as murder). Regardless of the tier, there is also a sizeable racial disparity against Blacks. Blacks are convicted of A-F crimes about 21 times per 1,000 Black individuals, whereas Whites are convicted at about 5 per 1,000. This is similar for G-I class felonies as well, wherein around 45 Blacks are convicted per 1,000, and only 18 Whites are convicted per 1,000.

Figure 4-4: Average conviction rate over time



District Attorneys

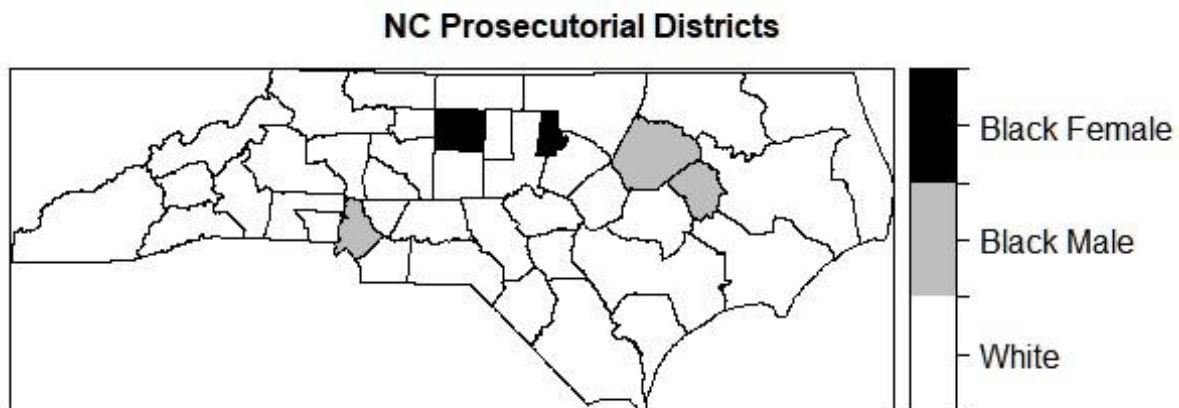
I examined each District Attorney in the state of North Carolina between 2015 and 2019. District Attorneys in North Carolina generally serve 4-year terms; however, there are cases where District Attorneys retire or resign. To try to cover for these possibilities, District Attorneys were checked each year. To gather this information, I used a web archive of the prosecutorial district's website to find the name of the District Attorney in that year. Once I had the name of the District Attorney, I used online photographs to code their race and gender. This left me with a database of 52 District Attorneys over the 4-year period. Of these District

Attorneys, there were 6 cases where the District Attorney was Black.²⁰⁸ Table 4-2 gives some basic information about these 6 Black District Attorneys, and figure 4-5 shows where these Black District Attorneys have served.

Table 4-2: Black District Attorneys in North Carolina

Name	District	Gender	Years
Andrew Merryweather	26	Male	2017-2019
Robert Evans	8	Male	2015-2019
Faris Dixon	3	Male	2019 -
Roger Echols	16	Male	2015-2018
Satana Deberry	16	Female	2019 -
Avery Crump	24	Female	2019 -

Figure 4-5: North Carolina prosecutorial districts



I examine districts 3,16,24, and 26 in this case study, as these are the districts where the District Attorney changed, and I can examine how changing the race/gender of the District Attorney alters the incarceration rate patterns for Whites and Blacks. The benefit of this

²⁰⁸ There were no Latinx District Attorneys, and one case of a Native American District Attorney.

approach is that it allows me to hold the specific context surrounding each individual district relatively constant and examine the effect of changing the District Attorney.

Figures 4-6 and 4-7 show the effect that a change in DA race and gender can have on the Black and White conviction rates. Figure 4-6 shows the changes for A-F class felonies, and Figure 4-7 shows the same for G-I class felonies. The bars represent the average conviction rate for a DA across the data and are color-coded to the race and gender of the DA. The first box represents district 16, where the DA transitioned from a Black male to a Black female. The second box represents district 24, where the DA transitioned from a White male to a Black female. Box three represents district 26, where the DA transitioned from a White male to a Black male. And box four represents district 3, where the DA transitioned from a White female to a Black male. Each box contains four bars, divided into two sets. Each set represents the average conviction rate for one racial group for both DAs in that district. The bar on the left is the former DA (who would be White everywhere except in the case of district 16, where the original DA was a Black male). The bar on the left represents the current and non-white DA.

Figure 4-6: A-F Conviction rates when DA race/gender changes

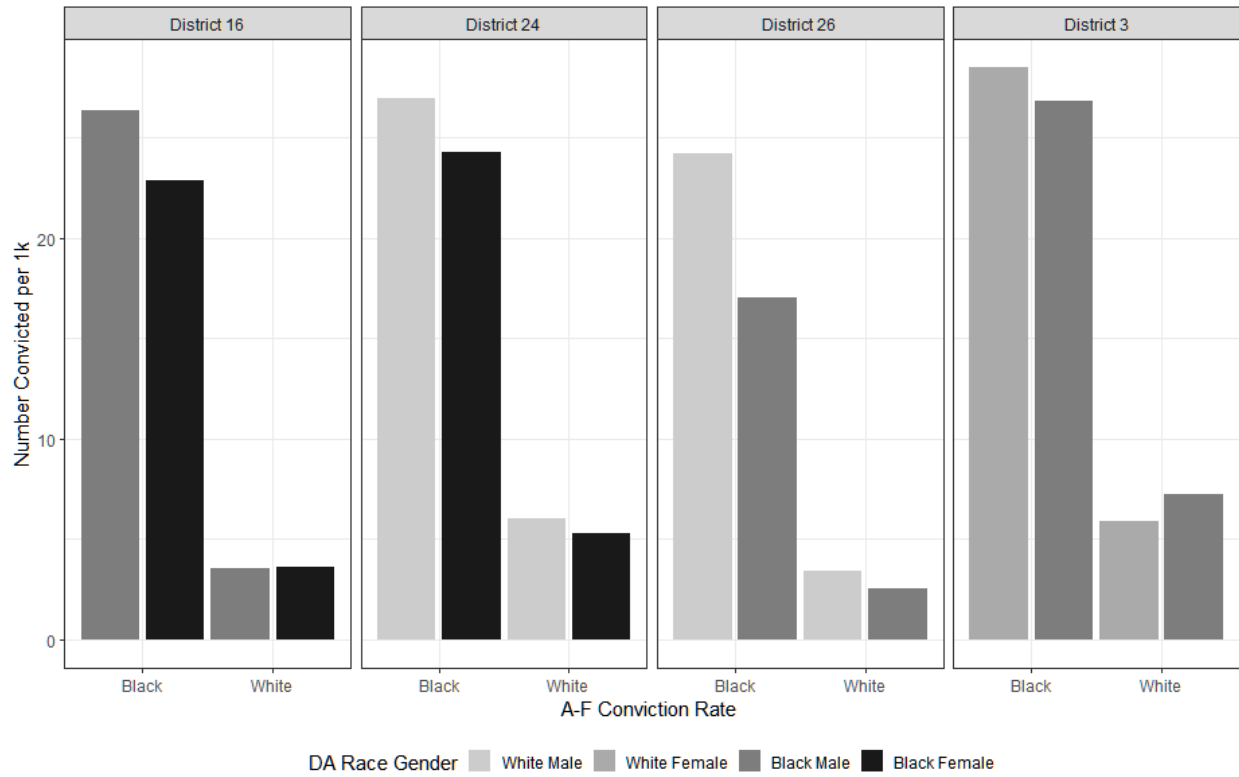
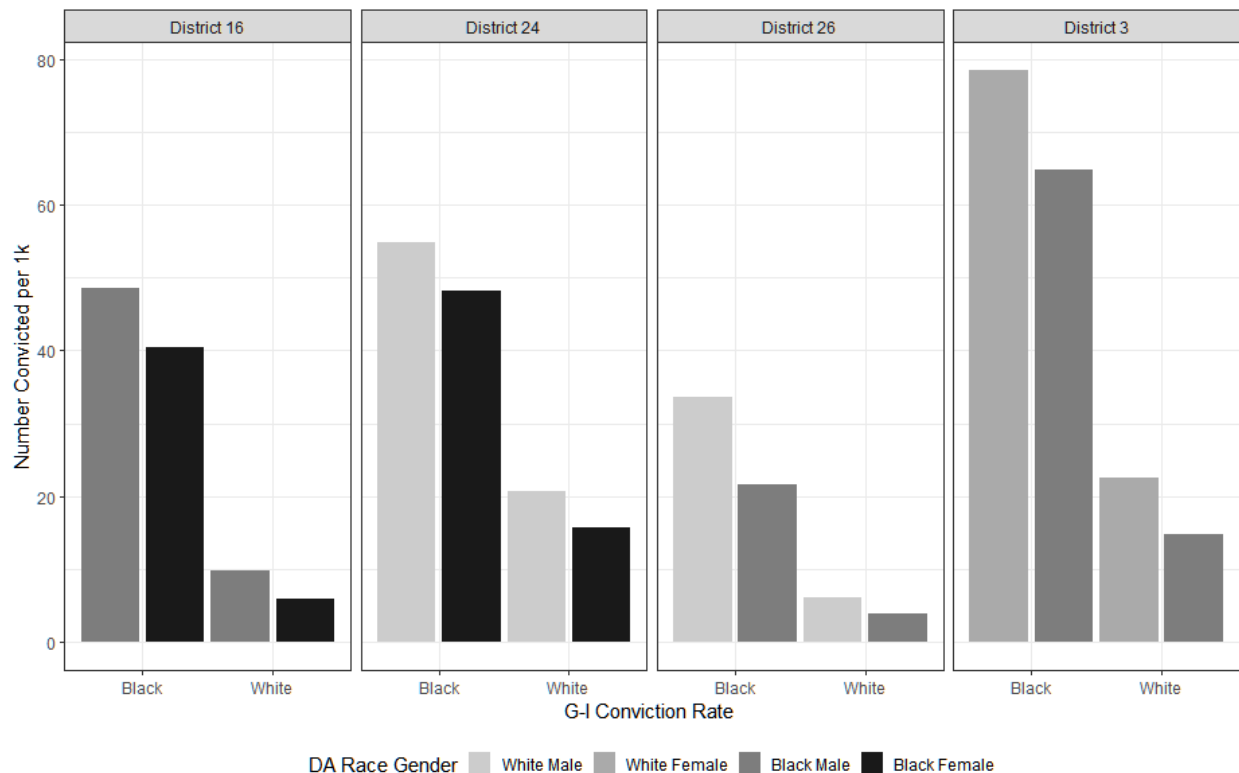


Figure 4-7: G-I Conviction rates when DA race/gender changes



Results

Beginning with district 24, 26, and 3, the districts which had White District Attorneys in 2015, we can see that moving from a White to a Black district attorney led to sharp decreases in the Black incarceration rate, regardless of the class of felony. We also see a decrease, albeit smaller, in the White incarceration rates (with the exception of District 3 for high-level felonies). This provides some evidence for a general descriptive representation story (that all descriptive representatives would lead to substantive representation), but there is not a large difference between Black men and Black women. District 16 is a more interesting case because it is the only example where the representative's race was constant (both were Black), but the gender changed. Here we see that shifting from a Black male to a Black female District Attorney led to sharp decreases in the per capita incarceration rate for Blacks, regardless of felony class. For

both felony classes, the Black incarceration rate decreased by about 4 individuals per 1,000. In this case we see a small decrease in the White incarceration rate, but only for low-level felonies.

Overall, these results provide tentative support for H1 and no support for H2. In regards to the difference between Black male and Black female representatives, we see a sharp difference in district 16, but no real differences in the other districts. When switching from a White representative, race appears to be important, but gender not so much. However, when directly comparing a switch from a Black male to a Black female, we see that the difference between the outcomes is quite distinct. Contrary to my prediction, there was no real difference in the previously stated relationship for high and low-level felony classes. I originally assumed that discretion was lower for District Attorneys in high-level felony cases, but we still see the incarceration rates drop, even for serious crimes.

Cross-Sectional Analysis of Incarceration disparities

The following section will discuss the different measures used to test the H1, using the following model.

Incarceration Disparities= Legacy of Disparities + Black District Attorney + Female + Black * Female + Democrat + Budget per 1000 + Black poverty rate + State Random Effects

Dependent Variable

I measure incarceration rate disparities using a county-level measure of incarcerated individuals created by the Vera Institute, for the year 2016. This dataset disaggregates prison records back to the county the individual was sent from, creating a measure of how many individuals each county has incarcerated that year. I then aggregate these counties up to the

District Attorney's jurisdiction. This creates a measure of the number of individuals that the District Attorney's office is responsible for incarcerating. I compare this raw number of incarcerated individuals to the population in the county that is between the ages of 15-64 (this age restriction more accurately measures the population that is likely to be incarcerated) in order to account for the difference in population between different judicial districts, and differences in population sizes between different racial groups. I divide the White and Black incarcerated populations by the 15- 64 population for each race accordingly, creating an incarceration rate for each group. To generate a disparity score, I then use a rate ratio, constructed by dividing the incarceration rate for Blacks by the incarceration rate for Whites. This rate ratio uses the following equation:

$$\text{Incarceration Rate} = \frac{(\text{Incarcerated Pop. in District})}{(15 - 64 \text{ Pop. in District})}$$

$$\text{Incarceration disparity Score} = \frac{(\text{Black Incarceration Rate})}{(\text{White Incarceration Rate})}$$

This creates a measure of disparity between the Black and White incarceration rates using the White rate as a baseline. This measure ranges from 0 to infinity, with 1 representing true equality. Any score less than 1 represents any district where Blacks are incarcerated at a higher rate than Whites, and any score greater than 1 the opposite. One easy way to understand the rate ratio is thinking of the rate ratio as the number you need to multiple the White rate by to get the Black rate. Put another way, the rate ratio is the number of times that the Black rate is higher than the White rate. For example, if the rate ratio is 2, this means you'd need to multiply the White rate by 2 to get the Black rate, or that the Black rate is twice as high as the White rate. Table 4-3 shows the descriptive statistics for the incarceration rates and the disparity score. Note

how high the disparity score is on average; in my sample of District Attorney jurisdictions, the disparity score is about 5.5, meaning Black individuals are 5.5 times as likely to be incarcerated than their White peers, accounting for different population sizes.

Table 4-3: Descriptive Statistics for Incarceration Rates

Variable	N	Min	Max	Mean	Std. Dev.
White Incarceration Rate	588	0.000	0.022	0.005	0.003
Black Incarceration Rate	588	0.004	0.114	0.027	0.015
Incarceration Rate Ratio	588	0.749	28.83	5.94	3.647

Independent Variable: Descriptive Representation

To understand the racial and gender breakdowns of District Attorneys, I used data from the Women Donor’s Network’s Justice for All program to identify the District Attorney for the 2014-2016 period (Justice for All 2014). This dataset records the race and gender of different district attorneys, using publicly available resources such as voter files, which was then matched using direct outreach. Table 4-4 shows the descriptive statistics for a race and gender breakdown of the District Attorney for those districts with complete information.²⁰⁹ One thing of note, the vast majority, over 90% of District Attorneys are White, and there is also a bias towards men. DAs who were not White, Black, Male, or Female were dropped from the analysis.

²⁰⁹ Full information includes connecting the District Attorney information to BJS sources for institutional variables and county information.

Table 4-4: Descriptive Statistics for Race/Gender

	Male	Female	Total
White	428	113	541
Black	25	22	47
Total	453	135	588

Controls

In this analysis, I control for the partisanship of the District Attorney, the legacies of disparities, the budget per 1000 adults of the District Attorney's office, the poverty rate for their judicial jurisdiction, and state random effects. Table 4-5 shows the descriptive statistics for these controls.

Table 4-5: Descriptive Statistics for Controls

Variable	N	Min	Max	Mean	Std. Dev.
Partisanship (Democrat)	588	0.000	1.000	0.626	0.484
2000-2005 Disparity Score	588	1.744	177.5	9.886	8.931
Budget per 1000 pop.	588	0.628	221.8	14.70	15.23
Black Poverty Rate	588	0.027	0.697	0.294	0.097

Partisanship

As discussed in previous chapters, one general rival theory to descriptive representation is partisanship.²¹⁰ Because most Blacks are Democrats, and Democrats are generally associated

²¹⁰ Swain, "Black Faces, Black Interests: The Representation of African Americans in Congress."

with providing substantive representation for Blacks, it could be that any finding of descriptive representation is spurious. To account for this, I control for the partisanship of the District Attorney. District Attorney partisanship was collected along with racial information. In formally partisan districts, formal partisanship was used to code the partisanship of the District Attorney. Similar to other chapters, I assume that even officially non-partisan offices are filled with partisans. However, without official partisanship data, coders used news sources, voter records, and published interviews (among other things) to codify the partisanship of District Attorneys. Partisanship is coded as 0 for Republicans and 1 for Democrats; those who belong to other parties, or for whom no reliable partisanship information could be found were dropped.

Legacy

In the same vein as in the previous chapters, I posit that District Attorneys inherit a system that had formed long before they assumed office. This is a particularly important control for incarceration rates, as those incarcerated by previous District Attorneys can still be incarcerated when the new District Attorney takes office, and will still count towards disparities in the measure I have created. This means that even the most progressive District Attorney could be penalized if I do not control for the system and policy outcomes they inherited. It should be noted that District Attorneys can pursue changes to cases previously tried by their predecessors and reduce the charges for those incarcerated, thereby giving them the ability to alter the status quo they inherit, as well as the incarcerations during their tenure. To control for the path-dependent nature of the outcome, I employ a legacy term, which controls for the incarceration rate before the current District Attorney had a chance to impact the policy. The legacy of disparities is the same measure of disparities used in 2016 but from the early 2000s. As records were spottier at that time, I used a rolling average from 2000 to 2005 to minimize data loss. I use

the 2000s because this is the period after the advent of the “Tough on Crime” era, generally used to refer to the mid to late 1990s, while still being well before the recent upsurge in minority District Attorneys.²¹¹

DA Office Budget

Not all District Attorneys have the same material capabilities to address systemic issues in their offices. Some districts are simply better funded than others, and because of this, some District Attorneys may have more resources to devote to the programs that can address racial injustices, such as anti-bias training and blind case reviews. To account for differing levels of material capacity, I control for the budget (in thousands of dollars) of the District Attorney’s office, pegging it to the size of the district’s population to account for workload. In essence, this creates a measure of resource disparity that accounts for the different population sizes of different districts. Budgetary data comes from the Bureau of Justice Statistics, National Prosecutors Census. This census is part of a larger project to collect statistics for prosecutor’s offices, using period surveys since the 1990s and two censuses in 2001 and 2007. I used the most current data from 2007, calculating the budget per 1000 adult (15-64) district residents.

Poverty Rate

A fact of the criminal justice system is that poverty is correlated with crime²¹². While the casual arrow is a bit murky - it could be that high crime causes economic instability, or that poor

²¹¹ It would of course, be best to have the disparity score for the year before each individual District Attorney took office. However, due to the spotty nature of early incarceration rate data, and the lack of data on when District Attorney’s formally took office, this was not possible for this project.

²¹² William Bailey, “Poverty, Inequality, and City Homicide Rates. Some Not So Unexpected Findings,” *Criminology (Beverly Hills)* 22, no. 4 (November 1, 1984): 531–50, <https://doi.org/10.1111/j.1745-9125.1984.tb00314.x>; Matthew R. Lee, “Concentrated Poverty, Race, and Homicide,” *The Sociological Quarterly* 41, no. 2 (March 1, 2000): 189–206, <https://doi.org/10.1111/j.1533-8525.2000.tb00091.x>; Travis C. Pratt and Francis T. Cullen, “Assessing Macro-Level Predictors and Theories of Crime: A Meta-Analysis,” *Crime and Justice* 32 (2005): 373–450.

economic conditions steer the impoverished towards crime to acquire essential economic relief - this requires consideration when discussing incarceration rates and disparities. If a District Attorney runs a district with a higher poverty rate, we should expect that there will be more crimes the District Attorney is asked to prosecute and, therefore, more individuals incarcerated by that District Attorney. And if a District Attorney runs a district with a high Black poverty rate, we should expect their Black incarceration rate to be higher. Therefore, I control for this exogenous effect by including a measure of the poverty rate amongst Blacks in the District Attorney's district. This measure comes from county-level Census data, aggregated up to judicial districts in the same manner as the incarceration data. I divide the case of Black poverty (as defined by the Census) by the size of the adult Black population in the district, giving me a measure of the Black poverty rate in the district.

Results

Table 4-6 reports the results of the OLS model. Recall that this model predicts the disparity score, so positive coefficients are associated with deepening disparities, whereas negative coefficients are associated with more equitable outcomes. Since White male District Attorneys are the reference category for the other groups, the coefficients for the Black, Female, and interaction term should be read as how disparities under District Attorneys of these sub-groups compare to White male District Attorneys. The Black variable describes the effect of Black men compared to White men. The female variable describes White women compared to White men. The interaction describes the difference between Black men and Black women on its own, and adding all three variables (Black, Female, and the interaction) would be the effect for Black women (as compared to White men).

I find a positive but insignificant coefficient for the Black and female variables. However, I find a negative and significant coefficient on the interaction between race and gender. This negative result indicated that Black women are associated with smaller disparities than Black men, which supports my hypothesis. This effect is substantively large as well. Black female District Attorneys have, on average, a disparity score about 1.5 points lower than their Black male peers. In practice, this would be equivalent to moving from a world where Blacks are imprisoned at 2.5 times the rate of Whites, to racial parity.

We see that the legacy of disparities is positively associated with current disparities, as expected. This is in line with what I found in previous chapters, and other scholars have shown: policy outcomes are “sticky” and resistant to change over time. I also find that being a Democrat is associated with a significant decrease in disparities. This supports a general partisanship story, that Democratic District Attorneys, by virtue of their partisanship and likely beliefs are more cognizant of disparities and address them. Furthermore, as budgets increase (controlling for population size), I find a significant decrease in disparities. This provides some evidence for the material capabilities argument presented earlier, and implications for this will be discussed in the following section.

Finally, I find an insignificant but positive relationship between the Black poverty rate and disparities. This is somewhat surprising: there are strong, established relationships between poverty and crime,²¹³ and one would expect that increasing the Black poverty rate would lead to an increase in the Black crime rate and, therefore, the Black incarceration rate by extension.

²¹³ Bailey, “Poverty, Inequality, and City Homicide Rates. Some Not So Unexpected Findings”; Lee, Porter, and Comfort, “Consequences of Family Member Incarceration”; Pratt and Cullen, “Assessing Macro-Level Predictors and Theories of Crime.”

However, as discussed earlier, many progressive District Attorneys have actively sought to stop criminalizing poverty and the associated low-level offenses. Therefore, it could be that poverty doesn't have the expected effect specifically because the representation variables are capturing the effect.

Table 4-6: Model Predicting 2016 Incarceration Disparities

Variable	Model Predicting Incarceration Disparities
Legacy	0.15*** (0.01)
Black	0.80 (0.54)
Female	0.30 (0.25)
Black * Female	-1.55** (0.75)
Democrat	-0.44* (0.23)
Budget per 1000	-0.01*** (0.00)
Black Poverty Rate	0.84 (1.11)
Intercept	4.40*** (0.53)
State RE	Yes
N	588
Overall R-Square	0.37

Standard errors in parentheses.

*=p<.10**=p<.05***=p<.01

Discussion

A large body of work examines the role of race and gender in how representatives act; however, the intersection of race and gender is a subject that deserves more scholarly attention.

This chapter seeks to further our understanding of how descriptive representatives provide substantive representation for minorities by examining how Black male and Black female representatives differ. I argue that race and gender intersect to create predictably different patterns in how representatives act, primarily through differing expectations surrounding stereotypes. I argue that Black men will adopt a tough-on-crime approach to survive politically, but Black women will not be allowed this option.

I employed two tests of my theory, a case study of four prosecutorial districts in North Carolina, and a cross-sectional examination of every prosecutorial district in the United States. I find compelling evidence to support my expectations that Black women will reduce disparities in incarceration rates more than their Black male peers. In the four districts in North Carolina, I found that descriptive representatives were broadly associated with decreases in the Black incarceration rate. However, in the case where the District Attorney changed from a Black man to a Black woman, I found a steep decrease in the Black incarceration rate. In the cross-sectional model, I found a significant and substantially large difference between Black men and Black women. On average, Black women were associated with a decrease in the disparity score of about 1.5, the same as moving from a case where the Black incarceration rate is 2.5 times the White rate to racial parity.

This chapter was designed to be an exploration into how descriptive representation operates intersectionally. However, there are still many questions that remain unanswered. These results deal with a specific type of office, District Attorneys, and a specific policy arena, the criminal justice system. How does race and gender intersect in executive positions, or in other policy arenas, particularly those where race and gender are both relevant? This chapter

focused on the relationship between descriptive representatives of different races, but how might White men and White women differ on racialized issues? Lastly, how will intersectionality operate in a more cooperative position, such as legislatures? Should we expect male and female representatives of the same race to cooperate on their shared values, or might we expect some competition for scarce attention and resource to their varying needs? Answering these questions will provide us with a clearer picture of how race and gender operate jointly in the venue of descriptive representation.

CHAPTER 5 : CONCLUSION

I began this project with two questions. What role do Black representatives play in reducing the lived inequalities in America? Under what conditions should we expect Black representatives to successfully bring about more equal outcomes? To answer these questions, I explored three different moderators affecting the link between descriptive and substantive representation. In Chapter 2, I examined multi-level political incorporation as a necessary condition for substantive representation. Chapter 3 examined agenda access through leadership positions as a separate necessary condition for substantive representation. In Chapter 4, I explored the intersection of race and gender. In my analysis, I measured the ability of descriptive representatives to change policy outcomes in poverty rates, residential segregation, and incarceration rates.

The evidence presented in these chapters paints a clear picture of the conditional relationship between descriptive representation and substantive representation. Increasing the number of descriptive representatives can lead to reductions in the disparities we observe in the world, but only under the right conditions. Descriptive representatives within legislatures need to be able to pass legislation in their chamber, and in a multi-level governing context, they need higher levels of government not to interfere. Beyond their ability to get legislation passed, descriptive representatives also need to occupy leadership positions within their legislatures in order to ensure their priorities make it onto the legislative agenda. Lastly, descriptive representatives may not all work towards the goal of substantive representation in the same

manner. Differences in gender can lead some representatives to focus more on challenging the status quo than others.

What do these findings mean for scholars of descriptive representation and for American politics more broadly? First, it is important for scholars to put more emphasis on the results of descriptive representation. This is important for two reasons. First, empirically, if we focus on the specific actions of descriptive representatives, we may only be measuring symbolic substantive representation. If a member takes actions to promote minority issues, but the political context is such that those actions do not translate into real changes, this is something we need to consider. Second, normatively, the major reason we care about descriptive and substantive representation is because of the adverse effects of racial disparities on minority communities. One impetus behind examining descriptive representatives is we theorize they may be able to fix issues for minority communities, so directly measuring their ability to do so is important. Moving to policy outcomes also has the benefit of measuring unobserved actions representatives might take to affect change.

Second, it is important to discuss descriptive representation, particularly in how it affects outcomes, in a multi-level context when appropriate. Descriptive representatives, in whatever capacity they serve, are limited by the powers of their positions. We should not expect descriptive representatives to affect policies they have no power over, and therefore, we need to more fully model the multi-level context that many policy outcomes are made in. One issue not discussed in this book is how the relative importance of different levels of government may change depending on the policy in question. It seems reasonable that in a policy area primarily

controlled by decisions at the state level that only state representation should matter, and that the same would hold true for issues determined at the local level.

Third, a lot of scholarly attention in regards to descriptive representation has to deal with majority-minority districts. This attention is not unwarranted. Proponents point out the importance of these districts in helping descriptive representatives get elected, but opponents point out that these districts hurt the chances of Democrats to hold the majority, and thereby relegating these new descriptive representatives to the minority. This research, particularly Chapter 2, demonstrates that it seems both sides are right. While it is important for Democrats to be in the majority for descriptive representatives to provide substantive representation, one consistent finding throughout this book is that the right political context without descriptive representatives is associated with worse disparities. This points to a conflict for redistricting if we seek to maximize substantive representation. You need to maximize the number of descriptive representatives while still maintaining a Democratic majority.

The findings in Chapter 3 point to a different understudied facet of descriptive representation, as the hierarchy within legislatures and the commensurate control over the legislative agenda can prevent the provisions of substantive representation. Even with political incorporation and many descriptive representatives, the provision of substantive representation can be prevented by those in positions of institutional power. Given the various barriers Black members face in achieving such positions, scholars and activists should put renewed interest in figuring out how to dismantle such barriers. However, my analysis did not examine committees in state legislatures, nor did it examine the role of outside forces in shaping the agenda surrounding racial issues. It might be that my theory of leadership positions is only relevant

when public attention to racial issues is low. During periods of renewed public attention, such as the mass protests during the summer of 2020, we generally see these issues make their way onto the agenda regardless of the race of the leadership.

Lastly, in Chapter 4, I examined the role of race and gender intersectionally, with some promising results pointing towards differences in how intersectional descriptive representation may operate. This is one area that would greatly benefit from renewed interest from scholars. I suspect that the differences between male and female representative of different races may prove to be very context specific, but that requires more information to test sufficiently. However, the findings presented in this book show compelling evidence that the use of an intersectional lens in this area will prove fruitful.

APPENDIX A: MODIFIED RATE RATIO

As identified in footnote 5, there is an issue with the rate ratio, as it is asymmetric about 0. All cases where the poverty rate for Blacks is higher than the poverty rate for Whites exist between 0 and 1, whereas all cases where the White poverty rate is higher exist between 1 and infinity. I address this potential issue by creating what I refer to as the modified rate ratio, which is centered at and symmetric in relation to 0.

To create this measure, I consider three scenarios. If the rate for Blacks is higher than Whites, I take the Black rate divided by the White rate and subtract 1. If the rate for Blacks is lower than Whites, I take the White rate divided by the Black rate and subtract 1, then multiple by -1. If the rates are equal, I set the score equal to 0.²¹⁴ This results in a scale where zero represents equality. A positive score represents an increasingly high Black poverty rate in relation to the White poverty rate, and a negative score the opposite. Therefore, if descriptive representatives lower the modified rate ratio, they are reducing the disparities between Blacks and Whites and would be providing substantive representation for their group.

A modified rate ratio should be read as the number of times you must add the Black score to itself to get the numerator score.²¹⁵ For example, if the modified rate ratio is 1, you add the White poverty score to itself, and that is the Black poverty rate. You can also add one to the score (subtract one if it is negative) and multiply the denominator group's rate by this to get the

²¹⁴ One potential weakness of ratio-based measures is their high volatility when the total population is low, or when the number of positive cases is very low. This is potentially twice as bad for this measure, as it is a ratio of ratios, meaning if either of the ratios have the above problem you can quickly have an issue of a score close to positive or negative infinity. In order to ensure stability in measurements, a minimum population of 500 individuals of each race, and a minimum number of cases of poverty of 50 was set for each race.

²¹⁵ If the modified rate ratio is negative, it is the number of times you must add the numerator group's poverty rate to itself to get the denominator group's score.

numerator group's rate. Table 5-1 demonstrates this measure for three different hypothetical cities. Table 5-2 reports descriptive statistics for poverty rates across my sample, and Figure 5-1 shows the frequency distribution. From Table 5-2 we can see that disparities in the cities in my sample are still very real; in the average city you need to add the White poverty rate to itself 1.33 times to get the Black rate (or multiply it by 2.33). The frequency distribution shows that these rate ratios are largely normally distributed with a slight left skew.

Table 5-1: Example Rate Ratios

White Poverty Rate	Black Poverty Rate	Rate Ratio	Modified Rate Ratio
5%	10%	2	1
5%	5%	1	0
10%	5%	.5	-1

Table 5-2: Descriptive Statistics for Poverty Rates

Variable	N	Min	Max	Mean	Std. Dev.
White Poverty Rate	458	0.025	0.385	0.122	0.061
Black Poverty Rate	458	0.002	0.682	0.256	0.112
Poverty Rate Ratio	446	0.035	7.941	2.301	1.009
Mod. Poverty Rate Ratio	446	-0.780	6.941	1.330	1.000
Legacy Rate Ratio	256	0.840	10.351	4.051	1.695
Mod. Legacy Rate Ratio	256	-0.191	9.351	3.051	1.695

Figure 5-1: Frequency Distribution of Modified Poverty Rate Ratio

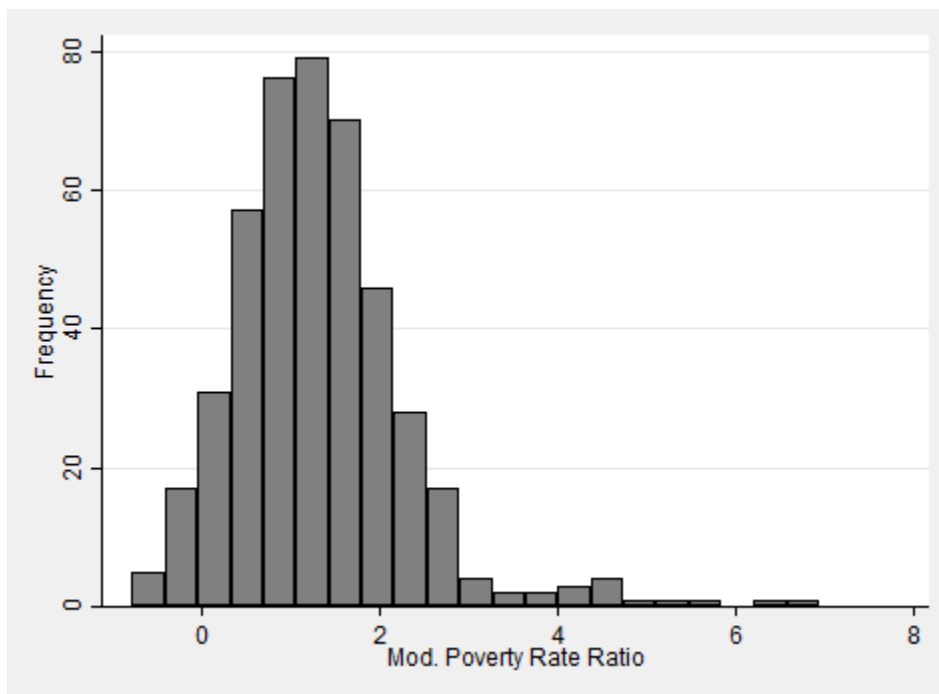


Figure 5-2: Frequency Distribution of Modified Legacy Poverty Rate Ratio

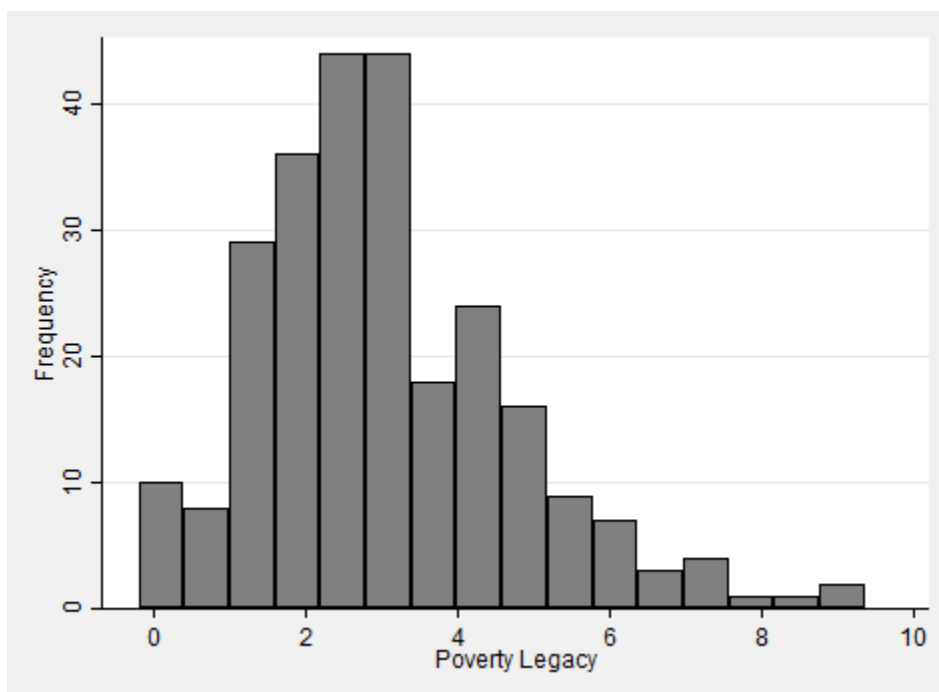


Table 5-3 shows the results of my model using the modified rate ratio (for both contemporary poverty disparities and legacy disparities). These findings do not differ much

from the results obtained in the main model, demonstrating the robustness of my findings to the problems discussed earlier in regard to rate ratios.

Table 5-3: Different models predicting poverty rate disparities

	Poverty Model
Poverty Legacy	0.07* (0.03)
Percent State Leg. Black	0.00 (0.01)
State Incorporation	-0.75 (1.10)
State Incorporation * Percent State Leg. Black	0.09 (0.10)
Percent City Council Black	0.01 (0.01)
City Incorporation	0.78*** (0.17)
City Incorporation * Percent City Council Black	-0.02*** (0.00)
Black House Rep	-0.02 (0.41)
State Leg. Professionalism	-0.02** (0.01)
Black Mayor	-0.06 (0.14)
South	0.10 (0.17)
Black Population Share	-0.92 (0.52)
Constant	1.62*** (0.24)
Incorporation Def.	Multilevel
State RE	Yes
N	212
Overall R-Square	0.21

* Standard errors in parentheses. * p<0.05, ** p<0.01, *** p<0.001

APPENDIX B: DATA LOSS

In this appendix, I will discuss how observations were lost from my main dataset of 500 cities to the 212 cities included in the main analysis. Table 5-3 will track the number of observations lost in each step I discuss here. This project began with a list of the 500 largest (by population) cities in the US as designated by the Census. Of these 500 cities, I was able to find full local 2016 representation data for 458. The cities that data could not be found for mainly had a small internet presence and could not be reached via other methods. I then apply my population constraints (need at least 500 people from each racial group, and 50 cases of poverty for each racial group), resulting in 12 observations being lost (446 remaining). I then added in the legacy poverty data and applied the same population threshold. This results in 190 observations being lost. Some of these observations are lost due to a lack of information, but the majority are because the observations do not meet the population threshold. I then add the partisanship data. This data was simulated from underlying voter precinct data; however, this data was not available for every state, namely AR, VA, WA, and UT did not have the necessary data. This resulted in a relatively low amount of data lost, 30 observations, as these states did not have many cities in the starting data. I then included mayoral data, for which 14 observations were lost. All of these observations were mayors that were in the Hispanic or other race category and were dropped as a result.

Table 5-3: Descriptive Statistics for Incorporation and Controls

Variable	Observations Lost	Observations Remaining
Beginning		500
Representation data	42	458
2016 Population Threshold	12	446
Legacy Poverty data	190	256
Partisanship data	30	226
Mayor data	14	212
Final	388	212

APPENDIX C: ALTERNATE POPULATION THRESHOLDS

In my analysis, I apply a population and poverty threshold to ensure stable rate ratios. In order to ensure my results are not a result of this decision, I run the same model using larger and smaller thresholds. First, I employ a population threshold of 100 and a poverty threshold of 10. Second, I employ a population threshold of 1000 and a poverty threshold of 100. Table 5-4 reports the results of the robustness checks. Each of these models were done using the multi-level incorporation specification discussed in the chapter. Neither of these specifications alters the main findings.

Table 5-4: Different models predicting poverty rate disparities

	Population 100, Poverty 10	Population 1000, Poverty 1000
Poverty Legacy	0.04* (0.02)	0.08** (0.03)
Percent State Leg. Black	0.00 (0.01)	0.00 (0.01)
State Incorporation	-0.06 (1.25)	-0.50 (1.03)
State Incorporation * Percent State Leg. Black	0.02 (0.11)	0.06 (0.09)
Percent City Council Black	0.00 (0.00)	0.01 (0.00)
City Incorporation	0.57*** (0.17)	0.73*** (0.17)
City Incorporation * Percent City Council Black	-0.01*** (0.00)	-0.02*** (0.00)
Black House Rep	-0.15 (0.40)	-0.13 (0.38)
State Leg. Professionalism	-0.02*** (0.01)	-0.02*** (0.01)
Black Mayor	0.11 (0.16)	-0.02 (0.15)
South	0.06 (0.19)	0.11 (0.16)
Black Population Share	-0.63 (0.58)	-1.08* (0.50)
Constant	2.61*** (0.25)	2.53*** (0.25)
Incorporation Definition	Multi-Level	Multi-Level
State RE	Yes	Yes
N	251	188
Overall R-Square	0.15	0.28

* Standard errors in parentheses. * p<0.05, ** p<0.01, *** p<0.001

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